



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Construction Agreement between the Tribe and Mills Design Group LLC, in the Amount of \$7,012,191.00, for the Construction of the Whiteriver Convenience Store)

WHEREAS, The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(b) that the Tribal Council (“Council”) shall exercise the power, “[t]o negotiate, make and perform contracts and agreements of every description ... with any person, association, or corporation..”; and

WHEREAS, The Tribe’s gas station convenience store is in need of replacement with a new facility at Chief Avenue in Whiteriver, AZ (the “Project”); and

WHEREAS, A Request for Proposals was issued to complete the Project, and Mills Design Group, LLC was selected from amongst qualified bidders; and

WHEREAS, The Tribe and Mills Design Group, LLC have negotiated a draft construction agreement (attached and incorporated herein by reference), in the amount of \$7,012,191.00, for performance of the Project; and

WHEREAS, The Agreement does not contain a waiver of the Tribe’s sovereign immunity from suit, but does provide for arbitration in the event of a dispute; and

WHEREAS, Council has reviewed the attached draft construction agreement and finds that its approval is in the best interests of the Tribe and its members.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the attached construction agreement between the Tribe and Mills Design Group, in the amount of \$7,012,191.00, for the construction of the Tribe’s Whiteriver gas station convenience store is hereby approved.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

Resolution No. 12-2024-250

The foregoing resolution was on **DECEMBER 18, 2024** duly adopted by a vote of **ELEVEN** for, **ZERO** against, and **ZERO** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1, of the WMAT Constitution, so ratified on November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

Kasey Velasquez 12.19.24
Kasey Velasquez, Chairman Date

Vaneysa Johnson 01/07/2025
Vaneysa Johnson, Tribal Secretary Date