



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Construction Agreement between the Tribe and Recon Air and Electrical Systems, in the Amount of \$120,670.00, for the Replacement of Seven HVAC Units and Associated Equipment for the Apache Diabetes Wellness Center)

- 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, "To negotiate, make and perform contracts and agreements of every description ... with any person, association, or corporation.."; and
- WHEREAS,** The Apache Diabetes Wellness Center, also known as the N'Dee Bii Fitness Center, requires replacement of seven (7) HVAC units for its operations (the "Project") at 1101 S. Chief Ave. in Whiteriver, AZ; and
- WHEREAS,** A Request for Proposals was issued to complete the Project, and Recon Air & Electrical Systems was selected from amongst qualified bidders; and
- WHEREAS,** The Tribe and Recon Air & Electrical Systems have negotiated a construction agreement (attached and incorporated herein by reference), in the amount of \$120,670.00, 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 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 Recon Air & Electrical Systems, in the amount of \$120,670.00, for the replacement of seven (7) HVAC units for the Apache Diabetes Wellness Center, also known as the N'Dee Bii Fitness Center at 1101 S. Chief Ave. in Whiteriver, AZ 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.

Resolution No. 01-2025-05

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.

The foregoing resolution was on JANUARY 08, 2025 duly adopted by a vote of EIGHT for, ONE 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 01-08-25
Kasey Velasquez, Chairman Date

Vaneysa Johnson 01/14/2025
Vaneysa Johnson, Tribal Secretary Date