



# WHITE MOUNTAIN APACHE TRIBE

## A Sovereign Tribal Nation

### **(Authorizing Execution of Design-Build Contract with Native Network, Inc. to Implement the Build-out of the Tribal Broadband Project)**

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**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...", at Article IV, Section 1(i) "[t]o manage all economic affairs and enterprises of the Tribe including...any other Tribal activities", and at Article IV, Section 1(k) "[t]o appropriate Tribal funds for Tribal purposes..."; and

**WHEREAS,** The Tribe received funding from the National Telecommunications and Information Administration ("NTIA") Tribal Broadband Connectivity Program ("TBCP") to deploy infrastructure on the Fort Apache Indian Reservation; and

**WHEREAS,** Resolution No. 11-2023-245, Resolution No. 02-2024-042, and Resolution No. 10-2024-224 authorized the Tribe's attorneys, in coordination with David Fish and Kenew, LLC to prepare a Request for Proposals to coordinate and direct implementation of the Tribe's Tribal Broadband Connectivity Program grant; and

**WHEREAS,** Native Network, Inc. ("Contractor") submitted a proposal on August 23, 2024, received the highest score in the selection process, and was selected for a design-build contract; and

**WHEREAS,** The Tribe and Native Network, Inc. have negotiated the attached Design-Build Contract Between the White Mountain Apache Tribe and Native Network, Inc. ("Contract"), and the Council finds that approving the Contract 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 it hereby authorizes and directs the Chairman to enter into and sign the Design-Build Contract between the White Mountain Apache Tribe and Native Network, Inc.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe expressly approves the following, which shall be reflected in the Contract: (1) a waiver of sovereign immunity for the limited purpose of enforcing an arbitral award in White Mountain Apache Tribal Court, which shall have sole jurisdiction in the event the Tribe breaches and the Contractor prevails in arbitration; and (2) setting the TERO fee for the Contract at 2.5%, thus waiving 50% of the standard 5% TERO fee.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Tribal Council authorizes the Tribe's Attorney General or other Legal Counsel, with the authorization from the Tribe's Attorney General, to make minor corrective, non-substantive, and clarifying changes to the Design-Build Contract, as attached and incorporated by this reference.

***Resolution No. 02-2025-14***

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that upon execution of the Contract, Native Network, Inc. COO, Jenny Rickel, and Native Network Inc. Director of Tribal Programs, Rebecca Carter, shall hereby be the authorized representatives of the Tribe for the purposes of the TBCP and communicating with NTIA.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe 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.

The foregoing resolution was on **FEBRUARY 5, 2025** duly adopted by a vote of **TEN** 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 2.5.25  
Kasey Velasquez, Chairman

Date

Vaneya Johnson 02/05/2025  
Vaneya Johnson, Tribal Secretary

Date