



# WHITE MOUNTAIN APACHE TRIBE

## A Sovereign Tribal Nation

### **(Approving Master Services, Master Equipment Purchase, and Check Warranty Service Agreements and Quote between Hon-Dah Resort Casino and Everi Payments, Inc., and Authorizing a Limited Waiver of the Casino's Immunity for Dispute Resolution Purposes)**

- 
- WHEREAS,** The Constitution of the White Mountain Apache Tribe ("Tribe") of the Fort Apache Indian Reservation provides, at Article IV, Section 1(s) that the Tribal Council ("Council") shall exercise the power, "...to regulate subordinate organizations for economic and other purposes"; and
- WHEREAS,** Everi Payments, Inc., ("Everi") provides ATM machine equipment installation and maintenance services to the Hon-Dah Resort Casino ("Casino"); and
- WHEREAS,** The ATM machines at the Casino needs to be replaced; accordingly, the Casino this day requests approval of Master Services, Master Equipment Purchase, and Check Warranty Service Agreements, as attached and incorporated by this reference, with Everi to deliver and install new ATM machines for a total price of \$327,580.00; and
- WHEREAS,** The Agreements include an Exhibit E, Tribal Rider, that requires arbitration by the Casino for disputes arising under the Agreements, which in turn requires a limited waiver of the sovereign immunity of the Hon-Dah Resort Casino for such purposes; and
- WHEREAS,** The Casino further advises the Council that the vendor has requested said Agreements to be approved and executed before delivering and installing the new ATM machines; and
- WHEREAS,** Working with Tribe's Attorney General, the Casino's Legal Counsel has reviewed the Agreements and is of the legal opinion that such documents are legally sufficient; and
- WHEREAS,** The Council finds that approving the Casino's request, as described above, would allow the Casino to replace old ATM machines with new machines, which would be in the best interests of the Tribe and its members; and
- WHEREAS,** Given the urgency of the request herein, the Council further finds that the Agreements need to be considered and made outside of its regularly scheduled meeting; and
- WHEREAS,** The Tribal Council further finds that: (1) this Resolution may be voted upon by signature of a member of the Tribal Council where a signature indicates a vote for this Resolution, (2) the Tribal Council Secretary or her designee should attempt to obtain signatures for members of the Tribal Council personally, (3) no signature would mean that the respective Council member is against this Resolution, (4) the Tribal Council Secretary or her designee should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

***Resolution No. 03-2025-45***

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the Master Services, Master Equipment Purchase, and Check Warranty Service Agreements, as attached and incorporated by this reference, for new ATM machines at a total price of \$327,580.00.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that a limited waiver of the sovereign immunity for the Hon-Dah Resort Casino pursuant to Exhibit E, Tribal Rider, is hereby approved solely for arbitration dispute resolution purposes.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that nothing in the Master Services, Master Equipment Purchase, and Check Warranty Service Agreements, as attached and incorporated by this reference, or related documents between the Hon-Dah Resort Casino and Everi Payments, Inc., shall constitute an expressed or implied waiver of the White Mountain Apache Tribe's sovereign immunity.

**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 the Hon-Dah Resort Casino's Legal Counsel, with the authorization from the Tribe's Attorney General, to make minor corrective and clarifying changes to the Master Services, Master Equipment Purchase, and Check Warranty Service Agreements, as attached and incorporated by this reference.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that given the urgency of the request described herein, this Resolution may be voted upon as follows: (a) by signature of a member of the Tribal Council, including the Chairman of the Tribal Council and the Vice-Chairman of the Tribal Council, where a signature indicates a vote for this Resolution, (b) the Tribal Council Secretary or her designee shall attempt to obtain signatures for members of the Tribal Council personally, (c) no signature shall mean that the respective Council member is against this Resolution, (d) the Tribal Council Secretary or her designee should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature, and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

**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 and deliver the Software License Agreement and Software Support Agreement, as attached and incorporated by this reference, and any and all other related documents and to take or cause to be taken such further actions as such individual deems necessary or appropriate to effectuate the intent of this Resolution.

The foregoing resolution was on MARCH 20, 2025 duly adopted by a vote of 8 for, 0 against, and 0 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      3-20-25      Vaneysa Johnson      3/21/2025  
Kasey Velasquez, Chairman      Date      Vaneysa Johnson, Tribal Secretary      Date

**Resolution No. 03-2025-45**

Signatures of the members of the Tribal Council represent their approval of Tribal Council Resolution initiated the 20<sup>th</sup> day of March, 2025.

**Presented Personally by Tribal Council  
Secretary (TCS)-Indicated by Initials**



Kasey Velasquez  
Tribal Chairman

3.20.25

Date Signed



TCS Initials



Jerome Kasey, III  
Vice Chairman

20 MAR 25

Date Signed



TCS Initials



Tony Alsenay  
District I Council Member

3-20-2025

Date Signed



TCS Initials



Travis J. Tessay, Sr.  
District I Council Member

3/20/2025

Date Signed



TCS Initials

\_\_\_\_\_  
Elva Lomayaktewa  
District II Council Member

Date Signed

\_\_\_\_\_  
TCS Initials

\_\_\_\_\_  
Renaldo Dazen  
District II Council Member

Date Signed

\_\_\_\_\_  
TCS Initials



Ivan Walker, Jr.  
District III Council Member

3-21-2025

Date Signed



TCS Initials

\_\_\_\_\_  
Annette Tenijieth.  
District III Council Member

3-20-2025

Date Signed



TCS Initials

\_\_\_\_\_  
Gary Alchesay  
District IV Council Member

Date Signed

\_\_\_\_\_  
TCS Initials



Mariddie Craig  
District IV Council Member

03.21.2025

Date Signed



TCS Initials



Cairo Clay  
District IV Council Member

03/20/25

Date Signed



TCS Initials

**ATTEST:**



Vanessa Johnson, Tribal Council Secretary

3/21/2025

Date Signed