

## **FACT SHEET FOR THE PROPOSED AMENDMENT TO THE CONSTITUTION OF THE HUALAPAI INDIAN TRIBE**

- 1. THE HUALAPAI TRIBAL COUNCIL CREATED THE HUALAPAI TRIBAL UTILITY AUTHORITY (HTUA) IN 2014 TO DEVELOP UTILITIES IMPORTANT TO THE ECONOMIC DEVELOPMENT OF THE HUALAPAI TRIBE.**
- 2. GRAND CANYON WEST, ONE OF THE ECONOMIC ENGINES OF THE TRIBE, WOULD GROW IN PROFITABILITY IF CONNECTED TO THE REGIONAL ELECTRICAL GRID BY A POWER LINE BUILT ALONG DIAMOND BAR ROAD. THIS WOULD PROVIDE CHEAPER POWER TO THE TRIBE BY LINE SERVICE RATHER THAN FROM DIESEL GENERATION SAVING AS MUCH AS \$2,000,000 IN ENERGY COSTS PER YEAR AT PRESENT.**
- 3. LIKE MANY OTHER TRIBES WITH A UTILITY AUTHORITY, FUTURE EVENTS MAY ENABLE THE HTUA TO PURCHASE THE PRESENT UNDEPENDABLE ELECTRICAL SERVICE AND DELIVER MORE RELIABLE SERVICE TO THE TRIBE.**
- 4. THE DELIVERY OF WATER REQUIRES ELECTRICITY TO OPERATE PUMPS; THE HTUA COULD BE THE SOURCE THAT DELIVERS ELECTRICITY AT A REDUCED COST TO THE TRIBE.**
- 5. IN ORDER TO DELIVER UTILITIES AND OTHER INFRASTRUCTURE, THE HUALAPAI TRIBAL COUNCIL MUST ENTER INTO CONTRACTUAL AGREEMENTS WITH CONTRACTORS AND OTHER FINANCIAL INSTITUTIONS TO BUILD THE DELIVERY SYSTEMS. THIS REQUIRES WRITTEN AGREEMENTS TO INCLUDE A LIMITED WAIVER OF SOVEREIGN IMMUNITY.**
- 6. THE TRIBAL CONSTITUTION REQUIRES APPROVAL BY 30% OF ELIGIBLE VOTERS TO WAIVE IMMUNITY OF THE TRIBE FOR LIABILITIES EXCEEDING \$250,000. THIS REQUIREMENT HINDERS THE TRIBE FROM DEVELOPING ECONOMICALLY.**
- 7. TO ATTRACT FUTURE ECONOMIC DEVELOPMENT TO THE TRIBE THAT PROVIDES FOR THE WELLBEING OF THE TRIBE, IT IS NECESSARY TO AMEND THE CONSTITUTION TO PROVIDE THE TRIBAL COUNCIL THE ABILITY TO ENSURE ECONOMIC DEVELOPMENT.**
- 8. ALLOWING THE TRIBAL COUNCIL TO ENTER INTO AGREEMENTS THAT INCLUDE A LIMITED WAIVER OF SOVEREIGN IMMUNITY WILL ENABLE THE HTUA AND OTHER ENTITIES CREATED BY TRIBAL COUNCIL TO ENTER INTO CONTRACTS THAT WOULD FUND THESE DEVELOPMENTS.**
- 9. THE PROPOSED AMENDMENT WILL NOT TAKE AWAY ANY WORDING FROM THE CONSTITUTION. THE AMENDMENT WILL ADD NEW WORDING THAT PROVIDES THE TRIBAL COUNCIL THE AUTHORITY TO VOTE ON THIS ISSUE.**
- 10. THE LIMITED WAIVER SHALL NOT BE CONSTRUED TO WAIVE ANY IMMUNITY OF THE HUALAPAI TRIBE, OR TO EXTEND ANY LIABILITY TO ANY ASSETS, REVENUES, OR INCOMES OF THE HUALAPAI TRIBE, OTHER THAN THOSE OF HTUA SUCH AS POWER LINES, SUBSTATIONS, GENERATORS AND OTHER FACILITIES IT MAY OWN AND OPERATE. THE LIMITED WAIVER OF SOVEREIGN IMMUNITY ALLOWS DISPUTES TO BE SETTLED IN FEDERAL COURT AFTER HEARING IN HUALAPAI TRIBAL COURT.**