

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

WHEREAS, the United States of America, acting through the Indian Health Service, Department of Health, Education, and Welfare, under and pursuant to Section 7(A) (3) of Public Law 86-121 (73 Statute 267), the White Mountain Apache Tribe, hereinafter called the Tribe, acting through the Chairman of the White Mountain Apache Tribal Council, and the White Mountain Apache Utility Authority, hereinafter called the Utility Authority, acting through the Chairman of its Board of Directors, entered into an agreement executed for the Indian Health Service on December 30, 1974, for the Utility Authority on November 19, 1974, and for the White Mountain Apache Tribe on September 26, 1974, to provide domestic water supply and sewage disposal facilities for the Indian homes of the Fort Apache Indian Reservation; and

WHEREAS, the domestic water supply and sewage disposal facilities with their appurtenances, and all materials, supplies and equipment provided for and incorporated therein under that agreement are the property of the United States of America; and

WHEREAS, the parties desire to provide for and assure the proper and efficient maintenance and operation of these water supply and sewage disposal facilities; and

WHEREAS, under Section 7 (A) (3) of Public Law 86-121, the Indian Health Service, on behalf of the United States of America, is authorized to transfer the completed facilities with or without a money consideration and under such terms and conditions as it judges appropriate, considering the contributions made, maintenance responsibilities undertaken, and the special health needs of the Indian people.

BE IT RESOLVED, in accordance with the terms of that Agreement and pursuant to Section 7 (A) (3) of Public Law 86-121:

1. The Indian Health Service hereby transfers, assigns, and conveys to the White Mountain Apache Tribe, through the White Mountain Apache Utility Authority, without a money consideration, and under the terms and conditions set forth in that Agreement, all right, title, and interest of the United States of America in all community facilities and their appurtenances, including all materials, supplies, and equipment provided for and incorporated in such facilities. These facilities include but are not limited to: (a) water distribution lines, consisting of 160 lineal feet of 3-inch line, 2,985 lineal feet of 2-inch line, and all appurtenances,

(b) water and sewer service lines to the curb or lot line of each house and all appurtenances.

2. The Tribe, through the Utility Authority, hereby accepts the transfer of all community facilities up to the property line of each house, under the terms and conditions set forth in that Agreement and agrees to operate, maintain, and repair these community facilities as the property of the Tribe, and to keep the facilities in effective operating conditions.

3. The Indian Health Service hereby transfers, assigns, and conveys to the Homeowner, without charge, and under the terms and conditions of that Agreement, all rights, title, and interest of the United States of America in all individual facilities and their appurtenances, including all materials, supplies and equipment provided for and incorporated in such facilities. These facilities include the water and sewer service lines from the house to the property line of each house, and 28 septic systems.

4. The Homeowner, hereby accepts the transfer of the water and sewer service lines and/or septic systems from the lot line to the house and agrees to operate and maintain these individual facilities properly.

5. The Tribe, through the Utility Authority, agrees to levy and collect service charges sufficient to operate and maintain the systems; and will enforce ordinances governing the proper use of the community facilities.

6. The Tribe, through the Utility Authority, agrees to enforce appropriate ordinances to assure continued operation, maintenance, and repair of individual facilities belonging to the individual Homeowners.

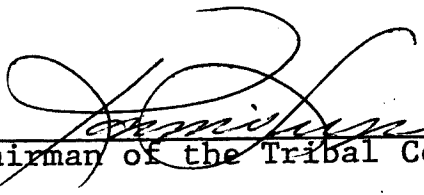
7. The Tribe agrees to support the Utility Authority in its operation and maintenance of community facilities serving new houses under the control of the Homeowner.

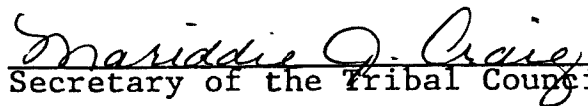
The foregoing resolution was on July 13, 1978, duly adopted by a vote of nine (9) for and (0) against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934, (48 Stat. 984).

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Chairman of the Tribal Council

ACTING 
Secretary of the Tribal Council

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FORT APACHE INDIAN
AGENCY,
WHITERIVER, ARIZ.

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