

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

WHEREAS, the Indian Health Service entered into agreements with the White Mountain Apache Tribe to construct water supply and sewage disposal facilities on the Fort Apache Indian Reservation; and

WHEREAS, no such project is constructed without prior approval by the Tribal Council in the form of a Resolution enabling the Chairman to sign a Memorandum of Agreement for the project; and

WHEREAS, upon completion of these projects they are formally transferred to the White Mountain Apache Tribe to be operated and maintained by the Tribal Utility Authority by the execution of a Transfer Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Tribal Chairman is hereby authorized to sign all such Transfer Agreements on behalf of the White Mountain Apache Tribe after: 1) the Tribal Utility Authority Board of Directors approves and signs the Agreement; and 2) the Ad-Hoc Committee, made up of Council Members appointed by the Tribal Chairman and approved by the Tribal Council, approve the Agreements. The Ad-Hoc Committee may refer such Transfer Agreements for consideration by the entire Tribal Council when such projects are considered unusual, complex, or if any significant objections are known to exist against entering into the Transfer Agreement.

The foregoing resolution was on November 10, 1988, duly adopted by a vote of TEN for and ZERO 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 Bylaws 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).

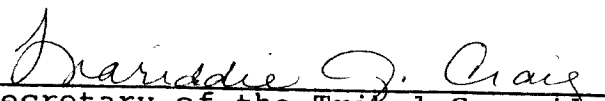
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DEC - 6 1988

Fort Apache Indian Agency
Winkelman, Arizona



Chairman of the Tribal Council



Secretary of the Tribal Council

1. Tribal Opp

bn
12/19/88
cA

Please handle

LEGAL DEPARTMENT

WHITE MOUNTAIN APACHE TRIBE

Claudeen Bates Arthur
General Counsel

Scott Canty
Staff Attorney

8/12-16

M E M O R A N D U M

TO : Mariddie Craig, Tribal Council Secretary

FROM : Claudeen Bates Arthur, General Counsel

DATE : December 14, 1988

RE : Resolution No. 11-88-267

COPY

It appears there was a typographical error in Resolution No. 11-88-267 (herein attached). The resolution should be corrected as follows:

In Whereas #1 the word "enter(ed)" should be "enter(s)". Please note the change on your official copy. Since it is merely a typo, I see no need to do other than make a note of it.

Claudeen Bates Arthur
 Claudeen Bates Arthur
 General Counsel

xc: Cheryl Ricker, Law Advocate
Bureau of Indian Affairs ✓

RECEIVED

DEC 16 1988

Fort Apache Indian Agency
Whiteriver, Arizona

ATTACHMENT A

LIST OF FACILITIES INSTALLED AND RECEIVING AGENCY

PH-83-549
DEVELOPMENT OF DOMESTIC WATER SYSTEMS
252 TRIBAL HOMES
FORT APACHE INDIAN RESERVATION

<u>Description of Items to be Transferred</u>	<u>Receiving Agency Utility Authority</u>
1. Water source - Concrete Spring box at Upper East Fork	1 EA
2. 8" PVC Water Main.	8,420 FT
3. 8" Water Meter and Vault - Spring Line at the Treatment Building.	1 EA

TRANSFER AGREEMENT
AMONG
THE UNITED STATES OF AMERICA
AND
THE WHITE MOUNTAIN APACHE TRIBE
FORT APACHE INDIAN RESERVATION, ARIZONA
AND
THE WHITE MOUNTAIN APACHE UTILITY AUTHORITY
APACHE AND NAVAJO COUNTIES, ARIZONA

PUBLIC LAW 86-121
PROJECT NUMBER PH 83-549

PREPARED BY

VICTOR N. BYERLY, P.E.
SENIOR FIELD ENGINEER

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
PUBLIC HEALTH SERVICE
HEALTH RESOURCES AND SERVICES ADMINISTRATION
INDIAN HEALTH SERVICE
PHOENIX AREA OFFICE

JANUARY 1988

TRANSFER AGREEMENT
AMONG
THE UNITED STATES OF AMERICA
AND
THE WHITE MOUNTAIN APACHE TRIBE
FORT APACHE INDIAN RESERVATION, ARIZONA
AND
WHITE MOUNTAIN APACHE UTILITY AUTHORITY
APACHE AND NAVAJO COUNTIES, ARIZONA

PUBLIC LAW 86-121
PROJECT NUMBER 83-549

WHEREAS, the United States of America, acting through the Indian Health Service, Department of Health and Human Services, under and pursuant to the provisions of Public law 86-121 (73 Stat. 267), hereinafter called the IHS; and the White Mountain Apache Tribe, hereinafter called the Tribe, acting through the White Mountain Apache Tribal Council; and the White Mountain Apache Utility Authority, hereinafter called the Utility Authority, entered into a Memorandum of Agreement executed for the IHS on February 17, 1984, for the Tribe on February 7, 1984, and for the Utility Authority on February 7, 1984, regarding the provision of sanitation facilities on the Fort Apache Indian Reservation; and

WHEREAS, the project provided for in that agreement has been completed; and

WHEREAS, the domestic water supply and the appurtenances thereto and the materials, supplies and equipment provided for and incorporated therein pursuant to that agreement are the property of the United States; and

WHEREAS, the parties are desirous of providing for and assuring the proper and efficient maintenance and continued operation of said water supply and waste disposal facilities; and

WHEREAS, under Section 7 (a)(4) of Public law 86-121, the IHS 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 are appropriate, having regard to the contributions made and the maintenance responsibility undertaken, and the special health needs of the Indian people.

NOW THEREFORE, in accordance with the terms of said agreement, and pursuant to Section 7 (a)(4) of Public Law 86-121:

1. The IHS hereby transfers, assigns, and conveys to the Utility Authority through the Tribe, without a money consideration and under the terms and conditions set forth in the aforesaid agreement, all of the right, title and interest of the United States of America in all community facilities and appurtenances thereto constructed, including all materials, supplies, and equipment provided for and incorporated in such facilities. Refer to Attachment A for a list of the items transferred and the appropriate receiving agency.
2. The IHS will assist the Utility Authority in startup operations of the system and will correct any defect related to material or workmanship jointly identified by the Tribe, Utility Authority, and the IHS for a period of one year from the date of beneficial operation which was June 1, 1986.
3. The Utility Authority, through the Tribe, hereby accepts such transfer under the terms and conditions set forth in the aforesaid Memorandum of Agreement and agrees to operate, maintain and repair such facilities as the property of the Utility Authority to keep the facilities in an effective and operating condition.

RESOLUTION
OF THE
WHITE MOUNTAIN APACHE UTILITY AUTHORITY
PH-83-549

WHEREAS, the Indian Health Service has entered into a Memorandum of Agreement with the White Mountain Apache Tribe of the Fort Apache Indian Reservation and the White Mountain Apache Tribal Utility Authority in furtherance of a project for the installation and improvement of domestic water supply facilities; and

WHEREAS, such services have been completed by the Indian Health Service, and are being transferred to the White Mountain Apache Tribe of the Fort Apache Indian Reservation; and

NOW, THEREFORE, BE IT RESOLVED that we hereby declare our intent to enter into a Transfer Agreement accepting transfer of the sanitation facilities; and

BE IT FURTHER RESOLVED that the Chairman is hereby authorized to sign such Transfer Agreement as approved by the Utility Board of Directors.

C E R T I F I C A T I O N

I, the undersigned, as Secretary of the White Mountain Apache Tribal Utility Authority, certify that the above Resolution was considered at a meeting duly called and held on the 20th day of JANUARY, 1987, of the White Mountain Utility Authority that 4 members were present constituting a quorum and that the Resolution was adopted by a vote of 4 for and 0 against and that said Resolution has not been rescinded or amended in any way.

01-20-'88
Date

Suminour Atoka
Secretary, White Mountain Apache
Tribal Utility Authority


TRANSFER AGREEMENT
AMONG
THE UNITED STATES OF AMERICA
AND
THE WHITE MOUNTAIN APACHE TRIBE
FORT APACHE INDIAN RESERVATION, ARIZONA
AND
WHITE MOUNTAIN APACHE UTILITY AUTHORITY
APACHE AND NAVAJO COUNTIES, ARIZONA

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IN WITNESS WHEREOF, the parties have subscribed their names.

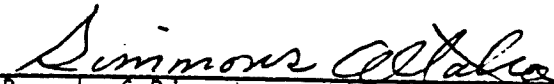
FOR THE TRIBE:

5-20-88
(Date)


Chairman, White Mountain Apache Tribal
Council having been duly authorized to enter
into this Agreement on behalf of the White
Mountain Apache Tribe, as evidenced by the
attached certified copy of a Resolution
passed by the White Mountain Apache Tribal
Council.

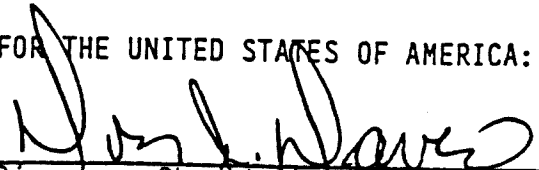
FOR THE UTILITY AUTHORITY:

01-20-88
(Date)


Board of Directors, White Mountain Apache
Tribal Utility Authority, having been duly
authorized to enter into this Agreement on
behalf of the White Mountain Apache Utility
Authority, as evidenced by the attached
certified copy of a Resolution passed by the
White Mountain Apache Utility Authority.

FOR THE UNITED STATES OF AMERICA:

1-7-87
(Date)


Director, Phoenix Area Indian Health
Service, U.S. Department of Health and Human
Services