

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

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/or improvement of domestic water supply and sewage disposal facilities; and

WHEREAS, services identified on Attachment A have been completed by the Indian Health Service, and are being transferred to the Utility Authority, through the White Mountain Apache Tribe of the Fort Apache Indian Reservation;

NOW, THEREFORE, BE IT RESOLVED that the Tribal Council of the White Mountain Apache Tribe hereby declares our intent to enter into a Transfer Agreement accepting transfer of the sanitation facilities identified on Attachment A herein attached;

BE IT FURTHER RESOLVED that the Chairman is hereby authorized to sign such Transfer Agreement as approved by the Tribal Council.

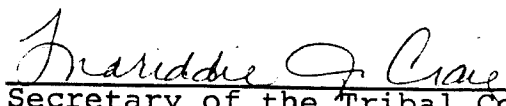
The foregoing resolution was on November 10, 1988, duly adopted by a vote of EIGHT for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1(i) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 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).

RECEIVED  
NOV 15 1988

DEC 8 1988

Fort Apache Indian Agency  
White River, Arizona

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council

RESOLUTION OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION  
PH 83-555

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/or improvement of domestic water supply and sewage disposal facilities; and

WHEREAS, services identified on Attachment A have been completed by the Indian Health Service, and are being transferred to the Utility Authority, through the White Mountain Apache Tribe of the Fort Apache Indian Reservation; and

NOW, THEREFORE, BE IT RESOLVED that the Tribal Council of the White Mountain Apache Tribe hereby declares our intent to enter into a Transfer Agreement accepting transfer of the sanitation facilities identified on Attachment A herein attached; and

BE IT FURTHER RESOLVED that the Chairman is hereby authorized to sign such Transfer Agreement as approved by the Tribal Council.


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

The foregoing resolution was on 11-1-1988 duly adopted by a vote of 11 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 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).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary, White Mountain Apache Tribal Council

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Chairman, White Mountain Apache Tribal Council

ATTACHMENT A

LIST OF FACILITIES INSTALLED AND RECEIVING AGENCY  
PH-83-555

Description of Items to be transferred	Receiving Agency	
	Individual Homeowners	Utility Authority
1. Individual sewer service lines	34 each	
2. 8" Sewer Main		12,909 feet
3. Sewer Manholes		38 each

NOTE: This Agreement includes all work for  
Lines D, E, I, J, K, L, M, P, and R  
Job No. EA-59-85 MOA

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

PUBLIC LAW 86-121  
PROJECT NUMBER PH 83-555

JOBS BILL

PREPARED BY

DON MOORE, P.E.  
DISTRICT ENGINEER

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

APRIL 1988

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

PUBLIC LAW 86-121  
PROJECT NUMBER PH 83-555

JOBS BILL

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 Chairman, White Mountain Apache Tribal Council; and the White Mountain Apache Utility Authority, hereinafter called the Utility Authority, acting through the Chairman, Utility Board of Directors; entered into a Memorandum of Agreement executed for the IHS on March 28, 1984, for the Utility Authority on April 17, 1984, and for the Tribe on May 21, 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 waste disposal facilities and the appurtenances thereto and the materials, supplies and equipment provided for and incorporated therein pursuant to that agreement have been provided; 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 rights-of-way, 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 assisted the Utility Authority in startup operations of the system and will correct any defects 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 March 4, 1938.
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.

4. The IHS hereby transfers, assigns and conveys to the home owners, through the Tribe, without a money consideration, all of the right, title and interest of the United States of America in all individual facilities and appurtenances constructed and installed on his/her premises in accordance with the Project Summary pursuant to the aforesaid Memorandum of Agreement, including materials, supplies and equipment provided for and incorporated in such facilities. These facilities include but are not limited to sewer service lines and connections.
5. The Tribe hereby agrees to enforce appropriate ordinances and regulations to assure continued operation, maintenance and repair of community facilities operated and maintained by the Utility Authority.

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

PUBLIC LAW 85-121  
PROJECT NUMBER PH 83-555

JOBS BILL

IN WITNESS WHEREOF, the parties have subscribed their names.

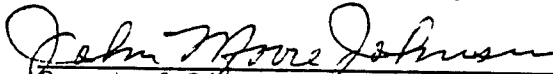
FOR THE TRIBE:



Chairman, White Mountain Apache Tribal  
Council.

\_\_\_\_\_  
(Date)

FOR THE UTILITY AUTHORITY:



Board of Directors, White Mountain Apache  
Tribal Utility Authority.

7/6/88  
(Date)

FOR THE UNITED STATES OF AMERICA:



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

5-25-88  
(Date)



RESOLUTION OF THE  
WHITE MOUNTAIN APACHE TRIBAL UTILITY AUTHORITY  
FORT APACHE INDIAN RESERVATION  
PH-83-555

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

WHEREAS, such services have been completed by the Indian Health Service, and are being being transferred to the White Mountain Apache Tribal Utility Authority, through 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 Authority 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 21 day of June 1988, of the Fort Apache Indian Reservation 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.

7-6-88  
Date

Catherine Garcia  
Secretary, White Mountain Apache  
Utility Authority

7/6/88  
Date

John D. Johnson (Member)  
Chairman, White Mountain Apache  
Utility Authority Board of Directors