

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, the White Mountain Apache Tribal Utility Authority and the White Mountain Apache Housing Authority in furtherance of a project for the installation and/or improvement of domestic water supply and sewage disposal facilities; and

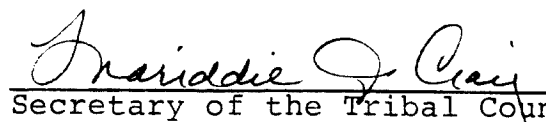
WHEREAS, services identified on Attachment A have been completed by the Indian Health Service, and are being transferred to the White Mountain Apache Tribe of the Fort Apache Indian Reservation;

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).


Chairman of the Tribal Council


Secretary of the Tribal Council

RECEIVED

DEC - 6 1988

Fort Apache Indian Agency
Winkelman, Arizona

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBAL UTILITY AUTHORITY
FORT APACHE INDIAN RESERVATION
PH-85-610

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 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 _____ day of _____, 1988, of the Fort Apache Indian Reservation that _____ members were present constituting a quorum and that the Resolution was adopted by a vote of _____ for and _____ against and that said Resolution has not been rescinded or amended in any way.

8/30/88
Date

Elizabeth S. Altate
Secretary, White Mountain Apache
Utility Authority

TRANSFER AGREEMENT
AMONG
THE UNITED STATES OF AMERICA
AND
THE WHITE MOUNTAIN APACHE TRIBE
AND
THE WHITE MOUNTAIN APACHE UTILITY AUTHORITY
FOR
DOMESTIC WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES
FORT APACHE INDIAN RESERVATION, ARIZONA

PUBLIC LAW 86-121
PROJECT NUMBER PH 85-610

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

AUGUST 1988

TRANSFER AGREEMENT
AMONG
THE UNITED STATES OF AMERICA
AND
THE WHITE MOUNTAIN APACHE TRIBE
AND
THE WHITE MOUNTAIN APACHE UTILITY AUTHORITY
FOR
DOMESTIC WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES
FORT APACHE INDIAN RESERVATION, ARIZONA

PUBLIC LAW 86-121
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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 Authority Board of Directors; entered into a Memorandum of Agreement executed for the IHS on September 30, 1985, for the Utility Authority on October 16, 1985, and for the Tribe on February 10, 1986, 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 premises where facilities were installed.
2. The IHS assisted the Utility Authority in startup operations of the system and will assist in correction of 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 1, 1988.
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:
 - A. Water Service Lines and Connections
 - B. Septic Tank and Drainfield Systems,
Sewage 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
FOR
DOMESTIC WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES
FORT APACHE INDIAN RESERVATION, ARIZONA

PUBLIC LAW 86-121
PROJECT NUMBER PH 85-610

IN WITNESS WHEREOF, the parties have subscribed their names.

FOR THE TRIBE:


(Date)



Chairman, White Mountain Apache Tribal
Council.

FOR THE UTILITY AUTHORITY:

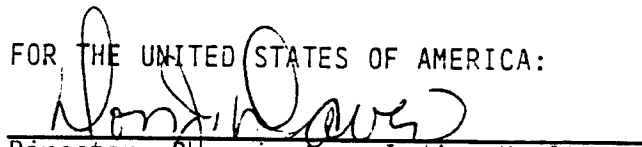
8/30/88
(Date)



Board of Directors, White Mountain Apache
Tribal Utility Authority.

FOR THE UNITED STATES OF AMERICA:

8-24-88
(Date)



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

LIST OF FACILITIES INSTALLED

<u>NAME</u>	<u>WATER SERVICE</u>	<u>SEPTIC SYSTEM</u>	<u>SEWER SERVICE</u>
1. Aday, Lorenzo	X		X
2. Alsenay Jr., Eldred	X		X
3. Alsenay, Harold	X	X	
4. Apachito, Verna	X		X
5. Armstrong, Peralta	X		
6. Armstrong Jr., Roland		X	
7. Banashley, Susie	X		
8. Beach, Jonah	X	X	
9. Bonito, Tim	X		
10. Bonito, Wesley/Harvey, David	X		X
11. Bonito, Woodrow	X		X
12. Burnette, Cindy	X		X
13. Bush, Mary	X	X	
14. Clawson, June	X		X
15. Cobb, Flora	X		
16. Colelay, Travis	X		
17. Cosay, Bennett	X		X
18. Cosay, Lyna	X		X
19. Cosen, Perlinda	X	X	
20. Crocker, Ernie	X		
21. Crocker, Esther	X	X	
22. Curtis, Virginia	X	X	
23. Dale, Terry	X		X
24. Danford, Elmer	X		X
25. Ethelbah, Roland	X	X	
26. Francis Jr., Tom	X	X	
27. Gloshay, Eddie	X		
28. Goseyun, Perfillia	X		X
29. Greggs, Jr., Ashley	X		
30. Greggs, Cline	X		
31. James, Fern	X		X
32. Joseph, Sylvia	X	X	
33. Kasey, Ida	X	X	
34. Kaytoggy, Velma	X		
35. Keeswood, Reynard	X		X
36. Keys, Phoebe	X		
37. Lupe, Barry	X	X	
38. Lupe, Flora	X		X
39. Lupe, Richard	X	X	
40. Massey, Lloyd	X	X	
41. Nachu, Carla	X	X	
42. Norman, Rose	X		
43. Nosie, Kathy	X		X
44. Perry, Alice	X	X	
45. Quintero, Norma	X	X	
46. Quintero, Wallace			X
47. Riley, Jay	X		
48. Riley, Star	X		
49. Tenijieth, Fleming	X	X	
50. Walker, Fritz	X	X	
51. White, Doreen	X		
52. Zahgotah, Carson	X		X
TOTAL	50	19	13