



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

**(Approving Memorandum of Agreement with U.S. Indian Health Service for  
Construction of Pre-Settling Pond, Phase 2 of the Whiteriver Water  
Treatment Plant, Project No. PH08-D72)**

**WHEREAS,** pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and

**WHEREAS,** the U.S. Indian Health Service desires to enter into a Memorandum of Agreement with the White Mountain Apache Tribe to construct a pre-settling pond as Phase 2 of the Whiteriver Water Treatment Plant (PH08-D72), as attached and incorporated by this reference; and

**WHEREAS,** upon completion of such service by the Indian Health Service, the pre-setting pond will be transferred to the Tribe or individual home owner as appropriate; and

**WHEREAS,** given the urgency of this request, the Tribal Council further finds that the Memorandum of Agreement needs to be considered and made outside of its regularly scheduled meeting; and

**WHEREAS,** the Tribal Council further finds that: (1) this Resolution may be voted upon by signature of a member of the Tribal Council where a signature indicates a vote for this Resolution, (2) the Tribal Council Secretary should attempt to obtain signatures for members of the Tribal Council personally, (3) no signature would mean that the respective Tribal Council member is against this Resolution, (4) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote; and

**WHEREAS,** such facilities are needed for the Tribal members of the Fort Apache Indian Reservation and benefits derived from such facilities will far offset any damages that may occur from the land utilized; and

**WHEREAS,** the Tribal Council finds that the Memorandum of Agreement is in the best interests of the Tribe and should be approved.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Memorandum of Agreement to construct a pre-settling pond, including the waiver of damages for rights-of-way, as attached and incorporated by this reference, is hereby approved.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that given the urgency of the request described herein, this Resolution may be voted upon as follows: (a) by signature of a member of the Tribal Council, including the Chairman of the Tribal Council and the

**Resolution No. 08-2008-186**

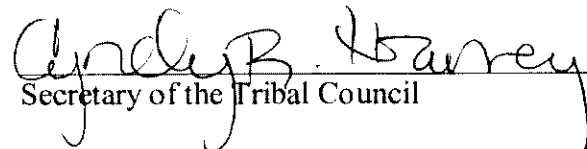
Vice-Chairwoman of the Tribal Council, where a signature indicates a vote for this Resolution, (b) the Tribal Council Secretary shall attempt to obtain signatures for members of the Tribal Council personally, (c) no signature shall mean that the respective Tribal Council member is against this Resolution, (d) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature, and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice Chairwoman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on August 11, 2008, duly adopted by a vote of SEVEN for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (c), (s), (t), and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

ACTING

  
\_\_\_\_\_  
Chairman of the Tribal Council

  
\_\_\_\_\_  
Secretary of the Tribal Council

Signatures of the members of the Tribal Council represent their approval of Tribal Council Resolution No. 08-2008-186 initiated the 11<sup>th</sup> day of August 2008.

**Presented Personally by Tribal Council Secretary (TCS)-Indicated by Initials**

TCS Initials

Ronnie Lupe  
Tribal Chairman

Date Signed

Margaret Baha Walker  
Margaret Baha-Walker  
Vice Chairwoman

9/2/08

cm TCS Initials

Date Signed

Arnold Beach Sr.  
Arnold Beach, Sr.  
District I Council Member

09/02/08  
Date Signed

cm TCS Initials

Evangeline Gatewood  
Evangeline Gatewood  
District I Council Member

09/02/08  
Date Signed

cm TCS Initials

Victoria Brewer  
Victoria Brewer  
District II Council Member

9/2/08  
Date Signed

cm TCS Initials

TCS Initials

Rubert Lupe, Sr.  
District II Council Member

Date Signed

Alvin DeClay Sr.  
Alvin DeClay, Sr.  
District III Council Member

08/28/08  
Date Signed

cm TCS Initials

TCS Initials

Kirk Massey, Sr.  
District III Council Member

Date Signed

Noland Clay  
Noland Clay  
District IV Council Member

8/28/08  
Date Signed

cm TCS Initials

Wayne Colelay Jr.  
Wayne Colelay, Jr.  
District IV Council Member

9-1-08  
Date Signed

cm TCS Initials

TCS Initials

Reno Johnson, Sr.  
District IV Council Member

Date Signed

ATTEST:

Cyndy R. Harvey  
Cyndy R. Harvey, Tribal Council Secretary

9.2.08  
Date Signed