



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

**(Approving Memorandum of Agreement with Indian Health Service to Construct
Water & Sewer Facilities for 20 New WMAHA Houses, Project No. PH 08-D74)**

- WHEREAS,** pursuant to Article IV, Section 1(a) and 1(s) 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 Tribe, the Tribal Housing Authority and IHS have established terms in a proposed MOA for project PH 08-D74 to fund and construct water and sewer facilities for twenty new Housing Authority homes in the Hondah-McNary area; and
- WHEREAS,** under the MOA the Housing Authority will provide funding and the IHS will provide technical assistance to acquire the equipment and complete the project; and
- WHEREAS,** after completion, the facility shall be held by and owned by the Tribe and will tie into the existing water supply and wastewater disposal systems in the Hondah-McNary area; and
- WHEREAS,** as a condition of the MOA, the Tribe agrees to maintain financial records and procurement standards in compliance with the conditions in the MOA, and the Tribe further agrees to waive claims against the IHS for potential damages which may occur during the project, except as may be recognized under the Federal Tort Claims Act; and
- WHEREAS,** the Tribal Council has reviewed and finds that the terms and conditions of the proposed MOA are in the best interest of the Tribe; and
- WHEREAS,** approval by the parties to the MOA is needed not later than September 26, 2008, in order to assure that the funding and assistance from the parties will be available for this project, and for that reason, this matter needs to be considered outside a regularly scheduled meeting of the Council; 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.
- BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the MOA between Indian Health Service, the Tribe and the White Mountain Apache Housing

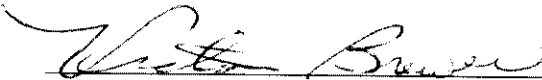
Resolution No. 09-2008-218


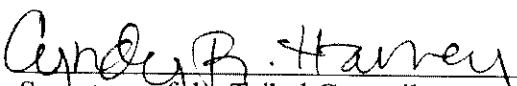
Authority for the development of sewer and water facilities for twenty homes, project number PH 08-D74.

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 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 September 17, 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), (h), (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).



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. 09-2008-218 initiated the 17th day of September 2008. Presented Personally by Tribal Council Secretary (TCS)-Indicated by Initials

 Ronnie Lupe
 Tribal Chairman

 Date Signed

 TCS Initials

Margaret Baha-Walker
 Margaret Baha-Walker
 Vice Chairwoman

9/19/08
 Date Signed

cm TCS Initials

 Arnold Beach, Sr.
 District I Council Member

 Date Signed

 TCS Initials

Evangeline Gatewood
 Evangeline Gatewood
 District I Council Member

9/19/08
 Date Signed

cm TCS Initials

Victoria Brewer
 Victoria Brewer
 District II Council Member

9/17/08
 Date Signed

cm TCS Initials

Rubert Lupe, Sr.
 Rubert Lupe, Sr.
 District II Council Member

9/17/08
 Date Signed

cm TCS Initials

 Alvin DeClay, Sr.
 District III Council Member

 Date Signed

 TCS Initials

Kirk Massey, Sr.
 Kirk Massey, Sr.
 District III Council Member

9/17/08
 Date Signed

cm TCS Initials

 Noland Clay
 District IV Council Member

 Date Signed

 TCS Initials

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

Sept. 17, 08
 Date Signed

cm TCS Initials

Reno Johnson
 Reno Johnson, Sr.
 District IV Council Member

Sept 18, 08
 Date Signed

cm TCS Initials

ATTEST:

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

9.25.08
 Date Signed