



# WHITE MOUNTAIN APACHE TRIBE

*A Sovereign Nation Exercising Self-Governance  
Over the Fort Apache Indian Reservation*

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## **Resolution No. 03-2013-58**

**( Approving Memorandum of Agreement with U.S. Indian Health Service for Construction of Water and Sewer Services for Four Plex Unit Project HUD Project No. AZ16-76, Indian Health Service Project PH13-E83 )**

**WHEREAS,** the Tribal Council of the White Mountain Apache Tribe (“Tribe”) is entrusted by the Tribe’s Constitution to act in all matters that concern the welfare of the Tribe, to manage all economic affairs and enterprises of the Tribe, and to regulate subordinate organizations for economic and other purposes; and

**WHEREAS,** the U.S. Indian Health Service desires to enter into a Memorandum of Agreement with the White Mountain Apache Tribe to construct four plex project in community of “Another World,” in the amount of \$389,000.00; and

**WHEREAS,** the White Mountain Apache Housing Authority will contribute to the project and prior to the start of construction, the total amount of \$389,000 as a contribution on its behalf toward the provision of the facilities described in the attached Project Summary. The Authority shall have primary responsibility to contribute any funds necessary for any work requested by the Tribe that is outside the scope of approved work. The WMAHA shall provide necessary administrative services and support to complete the project within the cost ceiling of existing or additional funds or additional in-kind contributions; and

**WHEREAS,** upon completion of such service by the Indian Health Service, the water and sewer connections will be transferred to the Tribe or individual home owner as appropriate; 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 it hereby approves the Memorandum of Agreement to construct water and sewer services for scattered homes, including the waiver of damages for rights-of-way, as attached and incorporated by this reference.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

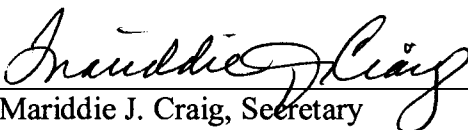
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, this Resolution shall be declared null and void and have no legal effect.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Acting Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution. In the event that the Chairman fails to delegate signatory authority to an Acting Chairman, the Vice-Chairman may sign.

The foregoing resolution was on MARCH 13, 2013 duly adopted by a vote of SEVEN for and ZERO against and ZERO abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (j), (k), (s), (t) and (u) of the Tribal Constitution, 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).

  
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Ronnie Lupe, Chairman

3/18/2013  
Date

  
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Mariddie J. Craig, Secretary

03/18/2013  
Date