



WHITE MOUNTAIN APACHE TRIBE

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

Resolution No. 09-2013-187

(Approving Memorandum of Agreement with U.S. Indian Health Service for Critical Sewer Main Replacement Phase3, Project PH 13-U42; Whiteriver Scattered Water & Sewer Replacement, Project PH 13-U43; Whiteriver-FATCO West Sewer Replacement, Project PH 13-U44; Water & Sewer Facilities for Scattered Houses, Project PH 13-E84; WMAHA VI-Fort Apache Junction Phase 2 onsite and offsite water and sewer for 23 WMAHA rental homes, Project PH13-E91)

WHEREAS, the U.S. Indian Health Service ("I.H.S") desires to enter into a Memorandum of Agreement with the White Mountain Apache Tribe to construct **five projects totaling \$2,027,000.00:**

- 1) Critical Sewer Main Replacement, Phase 3 services for 37 eligible homes at a total estimated cost of \$475,000.00 (PH 13-U42)
- 2) Whiteriver Scattered Water and Sewer Replacement servicing 40 eligible homes at a total estimated cost of \$364,000.00(PH 13-U43)
- 3) Whiteriver-FATCO West Sewer Replacement servicing 27 eligible homes at a total estimated cost of \$343,000.00 (PH 13-U44)
- 4) Water & Sewer Facilities for Scattered Houses servicing 8 eligible homes at a total estimated cost of \$125,800.00 (PH 13-E84)
- 5) WMAHA VI - Fort Apache Junction Phase 2 onsite and offsite water and sewer facilities for 23 WMAHA rental homes at a total estimated cost of \$720,000 (PH 13- E91)

WHEREAS, upon completion of such service by I.H.S, the water and sewer connections will be transferred to the Tribe or individual home owner as appropriate; and

WHEREAS, such facilities as described herein are needed by 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 these Memorandums of Agreement are in the best interests of the Tribe and should be approved accordingly.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Memorandums of Agreement, as presented on this day, to construct **five projects totaling \$2,027,000.00** are hereby approved as follows:

- 1) Critical Sewer Main Replacement, Phase 3 services for 37 eligible homes at a total estimated cost of \$475,000.00 (PH 13-U42)
- 2) Whiteriver Scattered Water and Sewer Replacement servicing 40 eligible homes at a total estimated cost of \$364,000.00(PH 13-U43)
- 3) Whiteriver-FATCO West Sewer Replacement servicing 27 eligible homes at a total estimated cost of \$343,000.00 (PH 13-U44)
- 4) Water & Sewer Facilities for Scattered Houses servicing 8 eligible homes at a total estimated cost of \$125,800.00 (PH 13-E84)
- 5) WMAHA VI - Fort Apache Junction Phase 2 onsite and offsite water and sewer facilities for 23 WMAHA rental homes at a total estimated cost of \$720,000 (PH 13- E91)

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 **SEPTEMBER 19, 2013** duly adopted by a vote of **SIX** 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), (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).



Ronnie Lupe, Chairman

9/25/13

Date



Mariddie J. Craig, Secretary

09/25/2013

Date