



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing Transition of Utility Department)

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, Environmental Protection Agency Region 9 is working on issuing two proposed Administrative Order of Consent (AOC) to the Tribe ; and

WHEREAS, the Tribe will contract with Carollo Engineers, Inc. to implement the recommended plan of action for Tribal Utility Authority (TUA); and

WHEREAS, TUA needs to prioritize their efforts in creating a billing process and generate revenue to fund the operation of the facility and to ensure facility stays in compliance with their NPDES permits; and

WHEREAS, the Water Resources program currently working with their consultants in designing a project to expand the extent of the present drinking water system, which will be managed by TUA; and

WHEREAS, the Water Resources program has the technical staff to provide oversight on the billing, regulatory, and monitoring.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes Water Resources, including the RWS Engineer and the Water Quality Officer, to provide oversight of Tribal Utility Authority during this transition process. The transition will cover the following: to oversee the billing program, building the utility capacity in the technical, managerial and financial areas and implement the AOC.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the salary of the RWS Engineer to be funded by the Tribe because it is not an allowable cost under his current grant.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes Martin Dehose to be removed as Acting Utility Director and returned to his original position and pay rate prior to being named Acting Utility Director.

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.

Resolution No. 11-2014-182

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, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed 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 Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on **NOVEMBER 3, 2014** duly adopted by a vote of **TEN** for, **ZERO** against, and **ZERO** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

	
_____ Ronnie Lupe, Tribal Chairman	_____ Doreen T. Numkena, Tribal Secretary
	
_____ Date	_____ Date