



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing Cheryl Pailzote, RWS Consultant, to Administer Rural Water System-Related Contracts on the Tribe's Behalf)

- WHEREAS,** The White Mountain Apache Tribe ("Tribe") is in the process of closing out its previous five-year Pub. L. 93-638 contract with the Bureau of Reclamation ("BOR") which expired on September 30, 2018, for the planning, engineering, 30% design, and Environmental Impact Statement ("EIS") for the Miner Flat Dam Project, as that Project is defined in the Rural Water System Loan Authorization Act ("WMAT Loan Authorization Act") (Pub. L. 110-390, 122 Stat. 4191); and
- WHEREAS,** The Tribe is also in the process of finalizing a new five-year Pub. L. 93-638 contract with BoR to complete the planning, engineering, 30% design, and EIS for the Miner Flat Dam Project; and
- WHEREAS,** the Tribe, by Resolution 02-2019-33, previously authorized Brando Pusher to administer the Pub. L. 93-638 contract(s), consultant contracts, and other WMAT Rural Water System ("RWS") contracts as the RWS Project Manager; however, Mr. Pusher has since resigned from his employment with the Tribe; and
- WHEREAS,** In order to maintain momentum with the RWS Project and continue positive working relationships with BOR and the RWS Consulting Review Board ("CRB"), the services of Cheryl Pailzote, the Tribe's former Water Resources Department Director and former Administrator of the RWS Project, have been retained to handle the administration of the RWS Project; and
- WHEREAS,** The Tribal Council ("Council") recognizes the urgent need to move the RWS Project forward without delay, and wishes to ensure the proper and timely administration of the contracts pertaining to the RWS, in order to protect, preserve, and develop the water rights of the Tribe for present and future generations; and
- WHEREAS,** The Council is advised by the Attorney General that Ms. Pailzote's scope of work and authority would involve those duties previously required of Brando Pusher, and before his appointment, when Ms. Pailzote was the Project Manager for the RWS Project, and include, but are not necessarily limited to, the following:

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- 1) Performing administrative services related to the RWS including: directing the processing of invoices submitted by WMAT consultants; ensuring that quarterly reports are timely submitted to BoR as required by any PL 93-638 contract between the Tribe and BoR for the Project; communicating with the Tribe's Grants and Contracts office and the Tribal Treasurer's office to ensure timely and accurate reports of monies received and expended pursuant to any Self-Determination Act contract between the WMAT and Reclamation, and the expenditure of WMAT funds for the Project;
- 2) Facilitating and monitoring communication between BoR and the Tribe's RWS design and consultant teams to ensure that the necessary coordination, administration, and compliance with any PL 93-638 contract with BoR is occurring;
- 3) Coordinating with Tribe's Water Resources Department staff regarding contract administration, on-site activity (i.e., drilling project), and access to data and equipment; and
- 4) Supporting the Tribe's staff in communicating project progress and technical hurdles to the Tribal Council and the Tribe's members, as requested.

WHEREAS, The Council, in light of the resignation of Mr. Pusher and Ms. Pailzote's experience and qualifications, finds that authorizing Ms. Pailzote, in the capacity of consultant, to administer RWS-related contracts on the Tribe's behalf will help the Tribe comply with contracted responsibilities and complete the RWS, and is in the best interests of the Tribe and its members.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that Cheryl Pailzote, RWS Consultant, is hereby authorized, and shall administer any Pub. L. 93-638 contract(s), consultant contracts, or modifications thereof, with the Tribe's various consultants and the Bureau of Reclamation for completion of the engineering, planning, 30% design, and Environmental Impact Statement for the Miner Flat Dam Project as follows:

- 1) Performing administrative services related to the RWS including: directing the processing of invoices submitted by WMAT consultants; ensuring that quarterly reports are timely submitted to BoR as required by any PL 93-638 contract between the Tribe and BoR for the Project; communicating with the Tribe's Grants and Contracts office and the Tribal Treasurer's office to ensure timely and accurate reports of monies received and expended pursuant to any Self-Determination Act contract between the WMAT and Reclamation, and the expenditure of WMAT funds for the Project;
- 2) Facilitating and monitoring communication between BoR and the Tribe's RWS design and consultant teams to ensure that the necessary coordination, administration, and compliance with any PL 93-638 contract with BoR is occurring;

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- 3) Coordinating with Tribe's Water Resources Department staff regarding contract administration, on-site activity (i.e., drilling project), and access to data and equipment; and
- 4) Supporting the Tribe's staff in communicating project progress and technical hurdles to the Tribal Council and the Tribe's members, as requested.


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 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 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 the Chairwoman, or in her absence, the Vice-Chairman, is hereby authorized to execute or confirm any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on **JANUARY 9, 2020** duly adopted by a vote of **NINE** 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).


Gwendena Lee-Gatewood, Chairwoman Date 1/28/2020


Doreen T. Numkena, Tribal Secretary Date 1-28-2020