



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Memorandum of Agreement with U.S. Indian Health Service for Project No. PH20-V66 for Carrizo New Community Well)

WHEREAS, The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(b) that the Tribal Council (“Council”) shall exercise the power “To negotiate, make and perform contracts and agreements of every description, not inconsistent with Federal law or [the] constitution, with...the United States...”; and

WHEREAS, The U.S. Indian Health Service desires to enter into a Memorandum of Agreement (“MOA”) with the Tribe to allow it to construct Project No. PH20-V66, Carrizo New Community Well (the “Project”), at a cost of \$310,000.00; and

WHEREAS, The Project’s purpose is to fund and construct necessary improvements to Carrizo’s water infrastructure which will bring it into compliance with the existing EPA Authorization on Consent, including constructing a new community well; and

WHEREAS, Pursuant to the terms of the MOA, upon completion of the Project, and after the contractor’s one year warranty period expires, the Tribal Utility Authority will assume ownership of the facilities and will become responsible for their operation and maintenance; and

WHEREAS, The Tribal Council finds that approving the Memorandum of Agreement will help the Tribe improve, utilize and safeguard its water resources, 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 the Memorandum of Agreement between the Tribe and Indian Health Service for Project No. PH20-V66 Carrizo New Community Well is hereby approved, pending legal review by the Office of the Attorney General.

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 any and all documents necessary to effectuate the intent of this Resolution.

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.

Resolution No. 06-2020-124

The foregoing resolution, on **JUNE 11, 2020** was duly adopted by a vote of **ELEVEN** 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).

 7/30/2020  7/30/2020
Gwendena Lee-Gatewood, Chairwoman Date Doreen T. Numkena, Tribal Secretary ^{for} Date