



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

## **(Approving Memorandum of Agreement with U.S. Indian Health Service for Project No. PH20-F70, Funded at \$310,000.00)**

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**WHEREAS,** The Constitution of the White Mountain Apache Tribe of the Fort Apache Indian Reservation (“Constitution”) 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 (“IHS”) desires to enter into a Memorandum of Agreement with the White Mountain Apache Tribe (“Tribe”) to allow it to construct Project No. PH20-F70, “Scattered Failed Septic and Failed Water Systems for 20 Homes on the Fort Apache Indian Reservation” (“Reservation”) (the “Project”), at a cost of \$310,000.00 (attached and incorporated herein by reference); and

**WHEREAS,** The Project’s purpose is to make those improvements necessary to construct new septic tanks and water systems for failed scattered homes and bring them into compliance with the existing EPA Authorization on Consent; and

**WHEREAS,** Upon completion of the Project, and after contractor 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 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-F70 Scattered Failed Septic and Failed Water systems for 20 homes on the Fort Apache Indian Reservation is hereby approved.

**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

**Resolution No. 12-2020-302**

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.

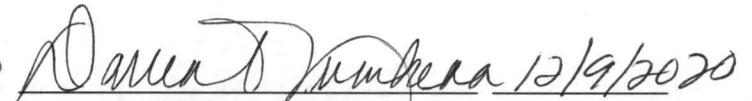
The foregoing resolution, on **DECEMBER 8, 2020** was duly adopted by a vote of **ELEVEN** for, **ZERO** against, and **ZERO** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT 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).



Gwendena Lee-Gatewood, Chairwoman

12/9/20

Date



Doreen T. Numkena, Tribal Secretary

Date