



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Memorandum of Agreement Between the Tribe and U.S. Indian Health Service for Project No. PH21-V97, Carrizo Phase 2 – Well Connection & Pumphouse Upgrades, to be Funded by I.H.S. Contributing American Rescue Plan Act (ARPA) Funds in the Amount \$1,455,000.00)

WHEREAS, The Constitution of the White Mountain Apache 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” attached and incorporated herein by reference) with the Tribe to allow it to construct Project No. PH21-V97, Carrizo Phase 2 – Well Connection & Pumphouse Upgrades (the “Project”), at a cost of \$1,455,000.00, which it will entirely fund with its I.H.S. American Rescue Plan Act funds; and

WHEREAS, The Project’s purpose is to make the improvements necessary to complete and connect the new wells drilled and constructed under PH20-V66, and bring it into compliance with the existing EPA Authorization on Consent; and

WHEREAS, Upon completion of the Project, and after 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 safeguard its water resources and develop much needed water infrastructure for the community of Carrizo, 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. PH21-V97 Carrizo Phase 2-Well Connection & Pumphouse Upgrades 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. 08-2021-161

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 AUGUST 23, 2021 was duly adopted by a vote of EIGHT 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).

	<u>8-27-2021</u>		<u>8-27-2021</u>
Gwendena Lee-Gatewood, Chairwoman	Date	Doreen T. Numkena, Tribal Secretary	Date