



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

## (Approving Memorandum of Agreement between the Tribe and U.S. Indian Health Service for Project No. PH 22-W08 “Whiteriver - East Fork Booster Station and Tank, Fort Apache Indian Reservation”)

- 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 this constitution... with the United States...”; and
- WHEREAS,** The U.S. Indian Health Service (“IHS”) desires to enter into a Memorandum of Agreement (“MOA”) with the Tribe to construct a new water tank and booster station upgrades at a total estimated cost of \$3,403,050 (Agreement No. PH22-W08 “Whiteriver - East Fork Booster Station and Tank, Fort Apache Indian Reservation”) (the “Project”) (attached and incorporated herein by reference); and
- WHEREAS,** The Project consists of a new 150,000 gallon water storage tank at Turkey Top; demolition and removal of the two old water storage tanks; a new altitude valve; a new booster station, including building, pumps, indoor piping, yard piping and fencing; new radio-powered station controls; Don Moore and Coyote Tank Rehab; Tank Level Monitoring transducer vault; installation of 7,700 linear feet of 13” HDPE Water Main; and installation of 1,000 linear feet 6” PVC water main piping to Don Moore Altitude valve; and
- WHEREAS,** Of the final project cost, Indian Health Service will contribute approximately \$2,579,571.00, White Mountain Apache Housing Authority (“WMAHA”) will contribute approximately \$150,000.00, and the Tribe’s contribution will be approximately \$48,086.00; and
- WHEREAS,** Upon completion of such service by the Indian Health Service, ownership of the new facilities will be transferred to the White Mountain Apache Tribal Utility Authority; and
- WHEREAS,** The Council has reviewed the attached Memorandum of Agreement and finds that its approval will enable the construction of necessary water infrastructure to the East Fork community, 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 to accept funds from the Tribe, WMAHA, Indian Health Service, and Infrastructure, Investment and Jobs Act (IIJA) in the amount of approximately \$3,403,050 for new water storage tank and new booster station, including the waiver of damages for rights-of-way, as attached and incorporated by this reference, is hereby approved.

***Resolution No. 01-2023-07***

**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 document 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.

**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 JANUARY 10, 2023 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

*Kasey Velasquez 1-13-2023*

Kasey Velasquez, Chairman

Date

*Vaneysa Johnson 1/13/2023*

Vaneysa Johnson, Tribal Secretary

Date