



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

## **(Amending Resolution 06-2023-149 to Authorize the Tribe’s Division of Transportation to Attain a BIA Encroachment Permit for the Canyon Day Solar Street Lighting Project)**

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- 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, “[t]o represent the Tribe and act in all matters that concern the welfare of the Tribe”, and in Article IV, Section 1(b), “[t]o negotiate, make and perform contracts and agreements of every description, not inconsistent with federal law or this constitution, with any person, association, or corporation ...”; and
- WHEREAS,** The Tribe’s Division of Transportation proposes to contract and work with Green Frog Systems to install solar powered street lighting along Indian Route 0004 (S. West Street, S. East Street, 7<sup>th</sup> Street, and Marigold Avenue), with a project length of approximately 2.50 miles encompassing both roadways on each side, in Canyon Day, AZ; and
- WHEREAS,** The Division of Transportation recommends moving forward with the standard contract agreement with Green Frog Systems in the amount of \$1,570,555.16; and
- WHEREAS,** The Tribal Council finds that approving the Canyon Day Solar Street Lighting Project to be installed by Green Frog Systems, is important to provide enhanced public safety for drivers and pedestrians, and it is in the best interests of the Tribe and its members; and
- WHEREAS,** Resolution 06-2023-149 approved the contract with Green Frog Systems to complete the project, however, a Bureau of Indian Affairs Encroachment Permit is required to proceed with the proposed project; and
- WHEREAS,** Given the urgency of project deadlines, the Council further finds that the amendment needs to be considered and made outside of its regularly scheduled meeting; and
- WHEREAS,** The Tribal Council further finds that: (1) this Resolution may be voted upon by signature of a member of the Tribal Council where a signature indicates a vote for this Resolution, (2) the Tribal Council Secretary should attempt to obtain signatures for members of the Tribal Council personally, (3) no signature would mean that the respective Tribal Council member is against this Resolution, (4) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

***Resolution No. 12-2023-279***

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the standard contract agreement with Green Frog Systems to complete and install the solar powered street lighting project in the proposed area of Canyon Day.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves and agrees with the work description, and for purposes of attaining a Bureau of Indian Affairs Encroachment Permit at the proposed project area, the Tribe is the owner and the responsible party of the resulting project and its facilities, and the Tribe's Division of Transportation is directed to operate and maintain the Canyon Day Solar Street Lighting Project.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that given the urgency of the request described herein, this Resolution may be voted upon as follows: (a) by signature of a member of the Tribal Council, including the Chairman of the Tribal Council and the Vice-Chairman of the Tribal Council, where a signature indicates a vote for this Resolution, (b) the Tribal Council Secretary shall attempt to obtain signatures for members of the Tribal Council personally, (c) no signature shall mean that the respective Tribal Council member is against this Resolution, (d) the Tribal Council Secretary should wait no longer than a reasonable period of time to obtain a vote by signature or by no signature, and so indicate that this Resolution was presented to the respective member of the Tribal Council for a vote.

**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 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 **DECEMBER 20, 2023** duly adopted by a vote of 9 for, 0 against, and 0 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      12-19-2023  
Kasey Velasquez, Chairman      Date

Vaneysa Johnson      12/19/2023  
Vaneysa Johnson, Tribal Secretary      Date

**Resolution No. 12-2023-279**

Signatures of the members of the Tribal Council represent their approval of Tribal Council Resolution  
Initiated the 20TH day of DECEMBER, 2023. Presented Personally by Tribal  
Council

Secretary (TCS)-Indicated by Initials

Kasey Velasquez 12-19-2023 ij TCS Initials  
Kasey Velasquez  
Tribal Chairman  
Date Signed

Jerome Kasey, III 19 DEC 23 ij TCS Initials  
Jerome Kasey, III  
Vice Chairman  
Date Signed

Arnold Beach, Sr. Dec 19, 2023 ij TCS Initials  
Arnold Beach, Sr.  
District I Council Member  
Date Signed

Travis J. Tessay, Sr. \_\_\_\_\_ TCS Initials  
Travis J. Tessay, Sr.  
District I Council Member  
Date Signed

Jerold Altaha Dec. 19, 2023 ij TCS Initials  
Jerold Altaha  
District II Council Member  
Date Signed

Renaldo Dazen 19 Dec 2023 ij TCS Initials  
Renaldo Dazen  
District II Council Member  
Date Signed

Aubrey Aday, Sr. 19 Dec 2023 ij TCS Initials  
Aubrey Aday, Sr.  
District III Council Member  
Date Signed

Annette Tenijieth. \_\_\_\_\_ TCS Initials  
Annette Tenijieth.  
District III Council Member  
Date Signed

Gary Alchesay 12-19-2023 ij TCS Initials  
Gary Alchesay  
District IV Council Member  
Date Signed

Mariddie Craig 12-19-2023 ij TCS Initials  
Mariddie Craig  
District IV Council Member  
Date Signed

Verna Westover 12/19/2023 ij TCS Initials  
Verna Westover  
District IV Council Member  
Date Signed

ATTEST:

Vaneysa Johnson  
Vaneysa Johnson, Tribal Council Secretary

12/19/2023  
Date Signed