



# WHITE MOUNTAIN APACHE TRIBE

## A Sovereign Tribal Nation

### **(Authorizing and Approving the Tribe's Division of Transportation to Enter Into P.L. 93-638 Self Determination Contract with Bureau of Indian Affairs for Installation and Completion of East Fork 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(a) 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", at Article IV, Section 1(b), "[t]o negotiate, make and perform contracts and agreements of every description ... with the State of Arizona or the United States", and at Article IV, Section 1(j), the power "[t]o accept grants and donations from any person, state, or the United States"; and
- WHEREAS,** The Tribe's Division of Transportation proposes to install solar powered street lighting along Bureau of Indian Affairs Route 55 beginning at the intersection of Stago Road and East Fork Road, with a project length of approximately three (3) miles ending prior to the intersection of East Fork Road and Fort Apache Road; and
- WHEREAS,** The Tribe's Division of Transportation requests to enter into a P.L. 93-638 Indian Self Determination Contract with the Bureau of Indian Affairs and to subcontract the project in the amount of \$1,500,000.00, with the funding source from the Tribal Transportation Improvement Program (TTIP), to complete FAIR 55(6) Solar Street Lighting Project; and
- WHEREAS,** The Council finds that approving the East Fork Solar Street Lighting Project and authorizing entering into a P.L. 93-638 Indian Self Determination Contract with the Bureau of Indian Affairs 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,** Given the urgency of project and funding deadlines, the Tribal Council further finds that this Resolution 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. 09-2024-209***

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves and authorizes for the Tribe's Division of Transportation to enter into a P.L. 93-638 Indian Self-Determination Contract with the Bureau of Indian Affairs for the installation and completion of FAIR 55(6), the East Fork Solar Street Lighting Project.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves and agrees with the proposed work description at the proposed project area, and for purposes of attaining any applicable Bureau of Indian Affairs Encroachment Permit at the proposed project area, the Tribe is the intended owner and the responsible party of the resulting project and its facilities, and the Tribe's Division of Transportation is further directed to operate and maintain the completed East Fork 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 SEPTEMBER 17, 2024 duly adopted by a vote of 6 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 9-17-2024 Vaneysa Johnson 09/17/2024  
Kasey Velasquez, Chairman Date Vaneysa Johnson, Tribal Secretary Date

**Resolution No. 09-2024-209**

Signatures of the members of the Tribal Council represent their approval of Tribal Council Resolution initiated the 17<sup>th</sup> day of September, 2024.

Presented Personally by Tribal Council Secretary (TCS)- Indicated by Initials

*Kasey Velasquez*

Kasey Velasquez  
Tribal Chairman

*17-sept 2024*

Date Signed

*ij*

TCS Initials

*Jerome Kasey, III*

Jerome Kasey, III  
Vice Chairman

*17 Sep 24*

Date Signed

*ij*

TCS Initials

*Cory Alchesay*

Cory Alchesay  
District I Council Member

*9-17-24*

Date Signed

*ij*

TCS Initials

Travis J. Tessay, Sr.  
District I Council Member

Date Signed

TCS Initials

Elva Lomayaktewa  
District II Council Member

Date Signed

TCS Initials

Renaldo Dazen  
District II Council Member

Date Signed

TCS Initials

*Ivan Walker, Jr.*

Ivan Walker, Jr.  
District III Council Member

*9/17/2024*

Date Signed

*ij*

TCS Initials

*Annette Tenijieth*

Annette Tenijieth  
District III Council Member

*9-17-24*

Date Signed

*ij*

TCS Initials

Gary Alchesay  
District IV Council Member

Date Signed

TCS Initials

Mariddie Craig  
District IV Council Member

Date Signed

TCS Initials

*Cairo Clay*

Cairo Clay  
District IV Council Member

*9/17/2024*

Date Signed

*ij*

TCS Initials

ATTEST:

*Vaneyssa Johnson*

Vaneyssa Johnson, Tribal Council Secretary

*09/17/2024*

Date Signed