



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Agreement with Terracon, Inc. to Complete the Brownsfield Multipurpose Project)

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...”, and at Article IV, Section 1(b), the power “[t]o negotiate, make and perform contracts and agreements of every description...with any person, association, or corporation...”; and

WHEREAS, The Tribe’s Environmental Protection Office (“EPO”) was awarded the USEPA Brownfields Multipurpose Grant (“Grant”) to conduct eligible planning, inventory, assessment, and remediation activities as authorized by CERLA 104(k)(4); and

WHEREAS, EPO sent a request for proposals to conduct the Brownsfield Multipurpose Project, which includes: twenty (20) Phase I and II five environmental site assessments, remediating up to twenty (20) brownfield site(s), holding nine (9) community meetings, developing multiple site-specific cleanup plans/analysis of Brownsfield cleanup alternatives, developing up to five (5) overall plans for revitalization, developing up to five (5) reuse strategies for up to five (5) priority sites, and submitting up to seventeen (17) quarterly reports; with these services conducted under this agreement to benefit the residents, business owners, and stakeholders in and near Whiteriver, Arizona; and

WHEREAS, EPO selected Terracon, Inc of Tempe, Arizona as the professional environmental contractor for the Brownfield’s Multipurpose Projects; and

WHEREAS, Council finds that approving the attached Agreement with Terracon, Inc., subject to final legal review, 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 attached Agreement between the Tribe and Terracon, Inc., in the amount of \$750,000.00, to conduct planning, assessment, remediation, and completion of the Brownfield’s Multipurpose Projects is hereby approved, subject to final legal review.

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.

Resolution No. 10-2024-218

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 **OCTOBER 02, 2024** duly adopted by a vote of **SIX** for, **TWO** 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).

<u>Kasey Velasquez</u>	<u>10.2.24</u>	<u>Vaneysa Johnson</u>	<u>10/02/2024</u>
Kasey Velasquez, Chairman	Date	Vaneysa Johnson, Tribal Secretary	Date