

**RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION**


WHEREAS, the Indian Health Service has entered into a Memorandum of Agreement with the White Mountain Apache Tribe of the Fort Apache Indian Reservation, in furtherance of constructing a water main from Whiteriver to the FATCO housing area; and

WHEREAS, such services have been completed by the Indian Health Service and are being transferred to the White Mountain Apache Tribe of the Fort Apache Indian Reservation.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby declares its intent to enter into a Transfer Agreement accepting transfer of the sanitation facilities associated with Project PH 90-786 as more fully described by the attached Transfer Agreement.

BE IT FURTHER RESOLVED by the Tribal Council that the Tribal Chairman is hereby authorized to sign a Transfer Agreement accepting the sanitation facilities associated with Project PH 90-786.

The foregoing resolution was on November 03, 1994, duly adopted by a vote of seven for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (i) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Chairman of the Tribal Council



Secretary of the Tribal Council

TRANSFER AGREEMENT
BETWEEN
THE UNITED STATES OF AMERICA
AND
THE WHITE MOUNTAIN APACHE TRIBE
FORT APACHE INDIAN RESERVATION
NAVAJO, APACHE AND GILA COUNTIES, ARIZONA
FATCO WATER MAIN EXTENSION

PROJECT NO. PH 93-786
PUBLIC LAW 86-121

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
PUBLIC HEALTH SERVICE
INDIAN HEALTH SERVICE
PHOENIX AREA OFFICE

JUNE 1994

TRANSFER AGREEMENT
BETWEEN
THE UNITED STATES OF AMERICA
AND
THE WHITE MOUNTAIN APACHE TRIBE
FORT APACHE INDIAN RESERVATION
NAVAJO, APACHE AND GILA COUNTIES, ARIZONA
FATCO WATER MAIN EXTENSION

PROJECT NO. PH 93-786
PUBLIC LAW 86-121

DATE OF AGREEMENT:
JUNE 1994

WHEREAS, The United States of America, acting through the Indian Health Service, Department of Health and Human Services, hereinafter referred to as the IHS, under and pursuant to the provisions of Public Law 86-121 (73 Stat. 267) and the White Mountain Apache Tribe, hereinafter referred to as the Tribe, acting through the Tribal Chairman, entered into an agreement executed for the IHS on July 1, 1993, and signed for the Tribe on July 1, 1993, regarding the construction of a water main extension connecting Whiteriver to the FATCO housing area on the Fort Apache Indian Reservation, and

WHEREAS, the project provided for under the Agreement as modified has been completed, and

WHEREAS, the IHS has a vested interest in the community sanitation facilities and the appurtenances, materials, supplies, and equipment provided for and incorporated therein pursuant to the aforesaid Agreement, and

WHEREAS, the parties desire to provide for and assure the proper and efficient maintenance and continued operation of the sanitation facilities, and

WHEREAS, under Section 7 (a) (4) of Public Law 86-121, the IHS, on behalf of the United States of America, is authorized to transfer the completed facilities with or without a monetary consideration, and under such terms and conditions as in its judgment are appropriate, considering the contributions made and the maintenance responsibility undertaken, and the special needs of the Indian people.

NOW THEREFORE, in accordance with the terms of the aforesaid agreement, and pursuant to Section 7 (a) (4) of Public Law 86-121.

1. The IHS hereby transfers, assigns, and conveys to the Tribe without a monetary consideration and under the terms and conditions set forth in the Agreement, all of the right,

title, and interest of the IHS in all community facilities constructed. Community facilities include, but are not limited to, those items listed on Attachment A.


2. The Tribe hereby accepts such transfer of facilities listed on Attachment A under the terms and conditions set forth in the aforesaid Agreement and agree to operate, maintain and repair such community facilities as the property of the Tribe in order to keep the facilities in an effective operating condition.
3. The Tribe, to the extent economically feasible, will obtain a one year warranty for the Tribe from the tribal contractors, supplies, and manufacturers on equipment, work, and supplies provided by them. The IHS shall assist the Tribe in obtaining the benefits and protection of all warranties on equipment or work provided under this Agreement.

IN WITNESS WHEREOF, the parties have subscribed their names.

FOR THE TRIBE:

Nov. 8, 1994

Date



Chairman, White Mountain Apache Tribal Council
having been duly authorized to enter into this
Agreement on behalf of the Tribe, as evidenced
by the attached certified copy of a Resolution
passed by the Tribal Council.

FOR THE UNITED STATES OF AMERICA:

Date

Director, Phoenix Area Indian Health Service,
Department of Health and Human Services

ATTACHMENT A
LIST OF FACILITIES INSTALLED AND RECEIVING AGENCY

Description of Items to be Transferred	Receiving Agency		
	Tribe	Housing Auth.	Other
1. 7 gate valves, 8-inch	X		
2. 2,824 LF of 8-inch PVC water main including 260 feet of bridge suspension	X		
3. Two connections to existing main	X		
4. 160 LF of 8-inch water main under Highway 73	X		

RESOLUTION
OF
THE WHITE MOUNTAIN APACHE TRIBAL COUNCIL
FORT APACHE INDIAN RESERVATION

WHEREAS, the Indian Health Service has entered into a Memorandum of Agreement with the White Mountain Apache Tribe of the Fort Apache Indian Reservation in furtherance of a constructing a water main from Whiteriver to the FATCO housing area; and

WHEREAS, such services have been completed by the Indian Health Service and are being transferred to the White Mountain Apache Tribe of the Fort Apache Indian Reservation; and

NOW, THEREFORE, BE IT RESOLVED that we hereby declare our intent to enter into a Transfer Agreement accepting transfer of the sanitation facilities; and

BE IT FURTHER RESOLVED that the Chairman is hereby authorized sign such Transfer Agreement as approved by the Tribal Council.

C E R T I F I C A T I O N

I, the undersigned, as Secretary of the White Mountain Apache Tribal Council, certify that the above Resolution was considered at a meeting duly called and held on the ____ day of _____, 1994, by the White Mountain Apache Tribe and that _____ members were present constituting a quorum and the Resolution was adopted by a vote of ____ for and ____ against, and that said Resolution has not been rescinded or amended in any way.

Date Secretary, Tribal Council

Date Chairman, Tribal Council