

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

WHEREAS, the White Mountain Apache Tribe is a Federally recognized and sovereign Tribe governed pursuant to the Constitution of the Tribe; and

WHEREAS, by enacting Resolution 04-98-81, the Tribal Council accepted responsibility to provide water and sewer services, to allow for the collection of fees for said services and to provide for the maintenance of said services to residents; and

WHEREAS, the USDA-Rural Development Grant-loan funding agreement for Cedar Creek community requires a mandatory hook up provision in accordance with the requirements set forth in the Letter of Conditions from the United States Department of Agriculture's Office of Rural Development to the Tribe dated as a necessary prerequisite to receiving the proceeds of the grant/loan agreement authorized by the Letter of Conditions.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that it shall be mandatory to hook up to sewer system under the following conditions:

MANDATORY HOOK UP

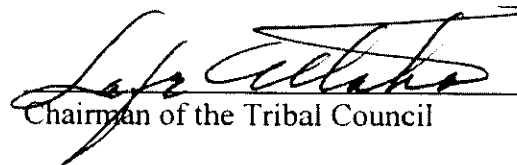
- a. If sewer service is available within a reasonable distance of the property and at a reasonable capital cost and the property's current septic and/or leach system fails in any matter.
- b. If sewer service is available within a reasonable distance of the property and at a reasonable capital cost and improvements made to the property requires the private disposal system to be expanded in any way.
- c. In all cases of new home or business construction which will be receiving water services.
- d. Once sewer service is available within a reasonable distance of the property, it shall be mandatory for all developed properties receiving water services to hook up to the sewer system within two years.

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The definition of the term "reasonable distance" for the purposes of this Section shall be determined on a case by case basis by the Tribal Engineer and Environmental Planning Department. Those properties which cannot be served by gravity flow into the sewer system shall not be charged a sewer user fee or be required to connect to the sewer system until one or more of the requirements set forth above become applicable, as determined by the Tribal Engineer and Environmental Planning Department.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby adopts the aforementioned mandatory hook up requirements for the Cedar Creek Community Grant Fund Agreement.

The foregoing resolution was on April 8, 1998 duly adopted by a vote of nine 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 (a), (b), (i), (s), (t), and (u) 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