



WHITE MOUNTAIN APACHE TRIBE

*A Sovereign Nation Exercising Self-Governance
Over the Fort Apache Indian Reservation*

Resolution No. 07-2012-105

(Approving Memorandums of Agreement with U.S. Indian Health Service for Construction of Individual Water & Sewer Services, Project PH12-E62; Individual Water & Sewer Replacements, Project PH12-U27; Miner Flat Main Renovation, Project PH12-U24)

WHEREAS, the U.S. Indian Health Service (“IHS”) desires to enter into a Memorandum of Agreement with the White Mountain Apache Tribe to construct **three projects totaling \$539,000.00:**

- 1) Individual water and sewer services for eight (8) scattered new or like-new homes at a total estimated cost of \$132,000.00 (PH12-E62);
- 2) Individual water and sewer replacements (PH12-U27); and
- 3) Miner Flat Main Renovation will serve 2,600 homes at a total estimated cost of \$263,000.00 (PH12-U24).

The Indian Health Service and Environmental Protection Agency are contributing all project funding through “Regular” funds; and

WHEREAS, upon completion of such service by IHS, the water and sewer connections will be transferred to the Tribe or individual home owner as appropriate; and

WHEREAS, such facilities as described herein are needed by Tribal members of the Fort Apache Indian Reservation and benefits derived from such facilities will far offset any damages that may occur from the land utilized; and

WHEREAS, the Tribal Council finds that these Memorandums of Agreement are in the best interests of the Tribe and should be approved accordingly.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Memorandums of Agreement, as presented on this day, to construct **three projects totaling \$539,000.00 are hereby approved as follows:**

- 1) Individual water and sewer services for eight (8) scattered new or like-new homes at a total estimated cost of \$132,000.00 (PH12-E62);
- 2) Individual water and sewer replacements (PH12-U27); and

3) Miner Flat Main Renovation will serve 2,600 homes at a total estimated cost of \$263,000.00 (PH12-U24), including the waiver of damages for rights-of-way, summary attached, are hereby approved.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby recognizes that Indian Health Services and the Environmental Protection Agency shall contribute all project funding using "regular" funds as explained by the Tribal Engineer and understood by the Tribal governing body.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby declares that upon completion of the services rendered by IHS, all water and sewer connections shall be transferred to the Tribe or individual home owners, as appropriate.

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 it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, this Resolution shall be declared null and void and have no legal effect. This Resolution shall not be subject to Judicial Interpretation, only the Tribal Attorney, with the assistance of the Tribal Council Secretary, may opine on Tribal Council intent and the meaning of the language as used herein.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Acting Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution. In the event that the Chairman fails to delegate signatory authority to an Acting Chairman, the Vice-Chairman may sign provided that the Tribal Secretary and a Tribal Attorney attest to the veracity of the subject matter of this Resolution.

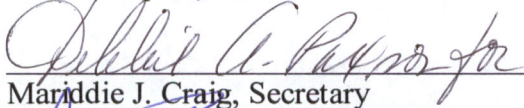
The foregoing resolution was on JULY 11, 2012 duly adopted by a vote of EIGHT for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (s), (t) and (u) of the Tribal Constitution, ratified by the Tribe September 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).



Ronnie Lupe, Chairman

7-23-12

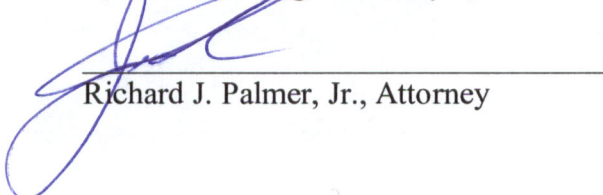
Date



Mariddie J. Craig, Secretary

7-23-12

Date



Richard J. Palmer, Jr., Attorney

7/24/12

Date

FY2012 Funded IHS Projects (SDS & EPA)

PH12-E62 Individual Water and Sewer Services: **\$132,000**

- 8 "Scattered" Homes
- IHS funded

PH12-U27 Individual Water and Sewer Replacements **\$144,000**

- 18 homes
- Replace old, failing sewer mains and service lines
- EPA Clean Water Act funded

PH12-U24 Miner Flat Main Renovation: **\$263,000**

- 2,600 homes
- Install new pressure reducing and relief valves, replace damaged pressure reducing and relief valves and altitude valves, and replace damaged water main and gate valves
- IHS funded

TOTAL PROJECT FUNDS: \$539,000