



WHITE MOUNTAIN APACHE TRIBE

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

Resolution No. 11-2012-169

(Authorizing Intergovernmental Agreement for ADOT Project to Improve Pavement Markings, Signs and Guardrail on BIA 3, 12, 46 & 55)

WHEREAS, the White Mountain Apache Tribe ("Tribe"), as a federally recognized Indian tribal government, with inherent rights of self-governance, and pursuant to its Tribal Constitution, exercises rights of self-determination and self-governance through its duly elected Tribal Council ("Council") and enjoys a government-to-government relationship with the federal government of the United States; and

WHEREAS, the Tribal Council of the White Mountain Apache Tribe has retained the authority, powers and duties to establish and maintain programs to promote the health, welfare, and prosperity of its members and employees; and

WHEREAS, the work proposed under this Agreement consists of upgrading centerline and edgeline pavement markings from 4-inch paint to 6-inch thermoplastic, recessed raised pavement markers, signing upgrades and guardrail improvements. The State shall advertise, bid and award the project; and

WHEREAS, the interest of the State in this project is the acquisition and distribution of federal funds for the use and benefit of the Tribe and to authorize such Federal funds for the project pursuant to federal law and regulations. The State shall be the designated agent for the Tribe; and

WHEREAS, the Tribal Council recognizes the importance of maintaining roadways on the Fort Apache Indian Reservation and finds that it is in the best interest of the White Mountain Apache Tribe to authorize this IGA with the State of Arizona.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves this Intergovernmental Agreement regarding ADOT Project No. SH53203D-01C.

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 of have no legal effect.

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.

The foregoing resolution was on **NOVEMBER 7, 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

012/13/12
Date



Mariddie J. Craig, Secretary

11-28-2012
Date