



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Modification of Expert Consultant Contract for Golder Associates, Inc.)

- WHEREAS,** on October 1, 2012, the Tribal Council previously approved a Professional Services Contract ("Contract") with Golder Associates Inc., hereinafter referred to as ("Consultant") for the consultant services ("Services") of William Dershowitz PhD, who is a member of the Consulting Review Board (CRB) which was appointed by the Tribal Council; and
- WHEREAS,** the Tribal Council extended the term of the Contract from September 30, 2016 to September 30, 2018, but with no increase in compensation and that any compensation under the Contract was to be paid only from BOR Cooperative Agreement No. R11AV32054; and
- WHEREAS,** the CRB, and in particular Dr. William Dershowitz, has provided invaluable insights and essential expert advice to the Tribe in regards to geological and geotechnical subjects relating to the Miner Flat Dam component of the WMAT Rural Water System under BOR Cooperative Agreement No. R.11AV32054, including, but not limited to, facilitating communication between the Bureau of Reclamation and Gannett Fleming, the design firm for Miner Flat Dam, attending in person and by teleconference, necessary meetings between the WMAT, BOR, Gannett Fleming, the Consultant Review Board, the Tribal Council, and by reviewing the geologic and geotechnical designs for the Miner Flat Dam to accomplish the purposes of the WMAT Rural Water System; and further, is a known dam site seepage expert; and
- WHEREAS,** the Tribal Council is advised that the Dr. William Dershowitz is willing and able to provide additional consulting expertise in regards to the proposed Three-Dimensional Seepage Modeling efforts being prepared by HDR Engineering; and the Tribe's Special Counsel for Water Rights has recommended to the Tribal Council that Dr. Dershowitz's participation and insight regarding the Three-Dimensional Seepage Modeling work would be of immense value to the White Mountain Apache Tribe and will further the Tribe's ultimate goal of obtaining approval by the Secretary of the Interior for construction of the Rural Water System; and
- WHEREAS,** the Tribal Council is further advised that the source of funding to pay Dr. William Dershowitz for his consulting services in regards to the Three-Dimensional Seepage Model being prepared by HDR Engineering cannot be from the 638 Cooperative Agreement between the BOR and the WMAT for the Engineering, Planning and Design of the Miner Flat Dam Drinking Water System because funds for the CRB pursuant to that 638 Cooperative Agreement have been exhausted; and
- WHEREAS,** the Tribal Council is advised by a Special Counsel for Water Rights that it is anticipated that Dr. Dershowitz's work on the Three-Dimensional Seepage Model that is being prepared by HDR Engineering pursuant to HDR's Scope of Work previously approved by the Tribal Council will entail approximately 150 hours of Dr. Dershowitz's time, and based on his hourly rate of \$250 per hour will require approximately \$37,500 for said consultant services,

Resolution No. 05-2017-125

and an additional amount for travel and other expenses in the amount of \$7,500, for a total amount of approximately \$45,000, and that a Contract Modification will need to be approved in order to allocate tribal funds in that amount; and

WHEREAS, the Tribal Council concludes that approval of a Contract Modification to authorize tribal funds for Dr. Dershowitz's participation in the Three-Dimensional Modeling work being done by HDR Engineering is in the immediate and best interests of the White Mountain Apache Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves a modification of the Professional Services Contract between the Tribe and Golder Associates Inc., 2018, in order for William Dershowitz PhD to participate in the Three-Dimensional Seepage Modeling being prepared by HDR Engineering.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes and directs the WMAT Attorney General, Special Counsel for Water Rights, and the Director of the Water Resources Department, to prepare and negotiate the terms of a contract modification with Golder and Associates Inc. for the purpose of carrying out the directive in this Resolution and for William Dershowitz's participation in implementing HDR Engineering's Three-Dimensional Seepage Model.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes and directs that the sum of \$45,000 in tribal funds be set aside for the purpose of paying for Dr. William Dershowitz's participation in the preparation of HDR Engineering's Three-Dimensional Seepage Model, said payments to Golder and Associates Inc., to be administered and accounted for by the Director of the WMAT Water Resources Department.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Tribal Chairman, and, in his absence, the Vice Chairman, to execute a contract modification with Golder and Associates Inc., after the form and content thereof is negotiated and agreed to by the WMAT Attorney General, Special Counsel for Water rights and the Director of the Water Resources Department, and to execute any future contract extensions and modifications with Golder Associates Inc., for the purposes set forth in this resolution.

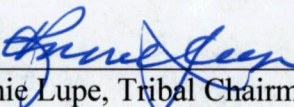
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution 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.

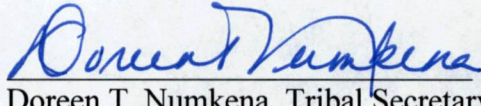
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

Resolution No. 05-2017-125

The foregoing resolution was on **MAY 10, 2017** duly adopted by a vote of **SIX** for, **ZERO** 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 September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).



Ronnie Lupe, Tribal Chairman 5-18-17
Date



Doreen T. Numkena, Tribal Secretary 5-18-17
Date