



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

**(Approving Memorandum of Agreement with U.S. Indian Health Service
for Project No. PH20-V76 for Scattered Failed Septic Phase 2,
Funded at \$568,625.00)**

WHEREAS, The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(b) that the Tribal Council (“Council”) shall exercise the power “To negotiate, make and perform contracts and agreements of every description, not inconsistent with Federal law or [the] constitution, with...the United States...”; and

WHEREAS, The U.S. Indian Health Service desires to enter into a Memorandum of Agreement with the Tribe to allow it to construct Project No. PH20-V76, Scattered Failed Septic Phase 2 (the “Project”), at a cost of \$568,625.00 (“MOA” attached and incorporated herein by reference); and

WHEREAS, The Project’s purpose is to make the improvements necessary to construct new septic tanks for failed scattered homes and bring them into compliance with the existing EPA Authorization on Consent; and

WHEREAS, Pursuant to the terms of the MOA, upon completion of the Project, and after the contractor’s one-year warranty period expires, the Tribal Utility Authority will assume ownership of the tanks and associated infrastructure, and will become responsible for their operation and maintenance; and

WHEREAS, The Tribal Council finds that approving the Memorandum of Agreement will help the Tribe safeguard its water resources, and is in the best interests of the Tribe and its members.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Memorandum of Agreement between the Tribe and Indian Health Service for Project No. PH20-V76 Scattered Failed Septic Phase 2 is hereby approved.

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

Resolution No. 07-2020-151

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.

The foregoing resolution, on **JULY 1, 2020** was duly adopted by a vote of **ELEVEN** 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).



7/14/2020

Gwendena Lee-Gatewood, Chairwoman

Date



7-14-2020

Doreen T. Numkena, Tribal Secretary

Date