



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Lifting Water Utility Fee Waiver Enacted by Resolution No. 03-2020-58)

WHEREAS, The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(s) that the Tribal Council (“Council”) shall exercise the power, “...to regulate subordinate organizations...”; and

WHEREAS, On March 16, 2020, via Resolution No. 03-2020-58, the Council temporarily waived water utility fees for users, as an emergency measure in response to the COVID-19 pandemic; and

WHEREAS, The Council also directed Tribal Utility to resume service to water users whose service was interrupted due to non-payment or other reasons; and

WHEREAS, As the Tribe has entered Phase I reopening, Tribal Utility, this day, recommends to Council that the waiver of fees be lifted; and

WHEREAS, In light of the recommendation by Tribal Utility, Council finds that lifting the fee waiver for all Tribal Utility water users is necessary and appropriate at this time and that resumption of water use charges 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 water utility usage fee waiver enacted by Resolution No. 03-2020-58 is hereby lifted, and that Tribal Utility shall resume billing for water usage, effective immediately.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that due to the importance of hygiene during this time, disconnections of service shall continue to be suspended.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that those users who were previously disconnected for non-payment or other reasons, then subsequently re-connected as an emergency measure during the pandemic shall continue to receive service until this measure is further amended by the Council.

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.

Resolution No. 09-2020-210

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 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.

The foregoing resolution was on SEPTEMBER 1, 2020 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).

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|  | <u>9/3/2020</u> |  | <u>9-3-2020</u> |
| Gwendena Lee-Gatewood, Chairwoman | Date | Doreen T. Numkena, Tribal Secretary | Date |