



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Memorandum of Agreement with U.S. Indian Health Service for Project No. PH20-V51, Funded at \$250,000.00)

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- WHEREAS,** The Constitution of the White Mountain Apache 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 (“IHS”) desires to enter into a Memorandum of Agreement with the White Mountain Apache Tribe to accept and utilize a grant from the US Bureau of Reclamation to construct Project No. PH20-V51, (the “Project”), at a cost of \$250,000.00; and
- WHEREAS,** The Project’s purpose is to assist the Tribe in cleaning and performing minor repairs during a water storage tank assessment, and to develop an upgrade plan with repairs and/or replacement to bring it into compliance with the existing EPA Authorization on Consent; and
- WHEREAS,** Upon completion of the Project, and after expiration of the contractor’s one-year warranty period, the Tribal Utility Authority will assume ownership of the facilities 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-V51 cleaning and minor repairs during a water storage tank assessment 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 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. 12-2020-303


The foregoing resolution, on **DECEMBER 8, 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).



Gwendena Lee-Gatewood, Chairwoman

12/9/20

Date



Doreen T. Numkena, Tribal Secretary

12/9/2020

Date