



# WHITE MOUNTAIN APACHE TRIBE

## A Sovereign Tribal Nation

**(Approving Memorandum of Agreement Between the Tribe and Indian Health Service for Project No. PH21-F82 New Water and Sewer Systems for 25 Scattered Homes, Funded by I.H.S. Through the American Rescue Plan Act at \$500,000.00)**

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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 (“I.H.S.”) desires to enter into a Memorandum of Agreement (“MOA” attached and incorporated herein by reference) with the Tribe to allow it to construct Project No. PH21-F82 which will provide water and sewer infrastructure to 25 scattered-site homes on the Fort Apache Indian Reservation (the “Project”), at a cost of \$500,000.00, to be funded completely by I.H.S.; and

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

**WHEREAS,** Upon completion of the Project, and after the contractors one year warranty period expires, 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 develop its water resources and provide essential utility services, 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. PH21-F82 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. 08-2021-162**

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 AUGUST 23, 2021 was duly adopted by a vote of NINE 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

10/12/2021

Date



Doreen T. Numkena, Tribal Secretary

Date