



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Allocating \$6.5 Million of the Tribe’s American Rescue Plan Act Funds for the White Mountain Apache Tribe’s Rural Water System Project)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(i) that the Tribal Council (“Council”) shall exercise the power, “To manage all economic affairs and enterprises of the Tribe...”; and
- WHEREAS,** The Tribe has received funding from the American Rescue Plan Act of 2021 (“ARPA”) to assist in mitigating and responding to the threat of COVID-19; and
- WHEREAS,** Making improvements to rural water systems is allowable under Investments in Infrastructure at 31 C.F.R. Part 35(d) of the Coronavirus State and Local Fiscal Recovery Funds Final Rule (“Rule”); and
- WHEREAS,** Responding to the public health emergency or its negative economic impacts is also allowable under Section §35.6 Eligible Uses of the Rule; and
- WHEREAS,** The Council, by way of Resolution No. 2021-06-119, approved \$6.5 million in ARPA funds for the White Mountain Apache Tribe Rural Water System (“RWS”) planning, design, Environmental Impact Statement (“EIS”), and the Record of Decision (“ROD”) by the Secretary of the Interior or her designee. The proposal addresses projected costs to complete the ROD following completion of 30% design of Miner Flat Dam and the completion of the EIS; and
- WHEREAS,** Based upon the additional features requested by the Bureau of Reclamation (“BOR”) to address seepage and stability issues at Miner Flat Dam, the Tribe’s engineers have provided an amended contract with an amended scope of work for the 30% design of Miner Flat Dam that addresses said issues; and
- WHEREAS,** The Tribe’s RWS Team has requested additional funding from BOR to assist the Tribe with the expanded scope of work and awaits response from BOR; and
- WHEREAS,** Due to the urgency to maintain the RWS Project schedule while waiting to hear back on the funding request to the BOR, the Tribe’s RWS Team now seeks additional ARPA funds to cover the features requested by the Bureau of Reclamation in the amount of an

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additional \$6.5 million with the understanding that the amount could be decreased should other funds be allocated from BOR or other sources for this purpose; and

WHEREAS, The Rural Water System is an essential infrastructure project for the Fort Apache Indian Reservation and the members of the Tribe to ensure a safe, adequate, and reliable source of drinking and sanitation water supply that was lacking during the COVID-19 pandemic; and

WHEREAS, The Council finds that allocating an additional \$6.5 million of the Tribe’s ARPA funds to complete the Tribe’s Rural Water System 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 it hereby allocates an additional \$6.5 million of ARPA funds for the Rural Water System Project, and directs the Treasurer to immediately deposit said funds into the RWS Account with the understanding that should additional funds be allocated from the Bureau of Reclamation or other sources for this purpose, that the amount in excess will be returned to the Tribe’s ARPA account.

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.

The foregoing resolution was on JUNE 2, 2022 duly adopted by a vote of SEVEN 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).



Kasey Velasquez, Chairman
White Mountain Apache Tribe
6/7/22
Date



Vaneyssa Johnson, Tribal Secretary
6/7/2022
Date