



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Memorandum of Agreement between the Tribe and Indian Health Service for Project PH 22-F85, “Water & Sewer Facilities for Fort Apache Indian Reservation” for Four Scattered Housing Improvement Plan Houses)

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. PH22-F85, “Water & Sewer Facilities for Fort Apache Indian Reservation” (the “Project”), at a cost of \$200,000.00, which it will entirely fund with its I.H.S. funds; and

WHEREAS, The Project’s purpose is to install sewer and water facilities to four scattered housing improvement plan homes on the Fort Apache Indian Reservation (“Reservation”); and

WHEREAS, All materials will be obtained through the Tribe’s procurement protocols, and so operation and maintenance shall be the Homeowners’ and Tribe’s responsibility from the time of project completion; and

WHEREAS, The Tribe’s Planning and Engineering Department will be administering this project in cooperation with the White Mountain Apache Housing Authority and Indian Health Service; and

WHEREAS, The Tribal Council finds that approving the Memorandum of Agreement will help the Tribe provide necessary water and sewer infrastructure to four Tribal member homesites, 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. PH22-F85 “Water & Sewer Facilities for Fort Apache Indian Reservation” is hereby approved.

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. 01-2023-06

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 JANUARY 10, 2023 duly adopted by a vote of TEN 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 1-13-2023

Kasey Velasquez, Chairman

Date

Vaneysa Johnson 1/13/2023

Vaneysa Johnson, Tribal Secretary

Date