



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing the Water Conservation Grant Fund Agreement with the Water Infrastructure Finance Authority of Arizona)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(j) 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 this constitution, ... with the State of Arizona”, and in Section 1(j), “To accept grants and donations from any person, state, or the United States”; and
- WHEREAS,** the Tribe continues to be impacted by extended drought conditions which have limited water resources and drinking water in all communities on the Fort Apache Indian Reservation; and
- WHEREAS,** Effective December 13, 2017, the Tribal Utility Authority (TUA) Plan of Operations Amendment 01 Water Metering Plan was approved to install water use meters to improve efficiency and water conservation, of which 25% of residents are currently metered; and
- WHEREAS,** The Tribe’s Water Resources Program has collaborated with TUA in identifying grant funds to continue water meter installations; and
- WHEREAS,** The Water Infrastructure Finance Authority (WIFA) of Arizona for Water Conservation has awarded the Tribe a grant in the amount of \$434,801.48 to address water conservation activities, including meter installation and public outreach and communication; and
- WHEREAS,** The project budget incorporates a 26% match which includes an in-kind contribution of \$83,567.52 from TUA to support the metering installation, and in-kind contributions from Western Resources Advocates in the amount of \$5,970, and cash contributions from Colorado River Sustainability Campaign, both non-governmental organizations, bringing the total of the project to \$585,223; and
- WHEREAS,** The Council finds that authorizing the Water Conservation Grant Fund Agreement with the Water Infrastructure Finance Authority of Arizona, which includes a limited waiver of sovereign immunity for the limited purpose of enforcing the agreement, and the acceptance of the grant funds will help to reduce water use, improve water use efficiency, and improve water reliability, and is in the best interests of the Tribe and its members.

Resolution No. 12-2023-266

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe hereby authorizes the Water Conservation Grant Fund Agreement, which includes a limited waiver of sovereign immunity, with the Water Infrastructure Finance Authority of Arizona, and that the Tribe's Water Resources Program and Tribal Utility Authority are hereby authorized to accept the grant in the amount of \$434,801.48, in-kind contributions of \$5,970 from Western Resources Advocates, cash contributions of \$60,884 from Colorado River Sustainability Campaign, and for Tribal Utility Authority to provide in-kind contribution of \$83,567.52 to address water conservation, public outreach, and communications on the Reservation.

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 **DECEMBER 11, 2023** duly adopted by a vote of **EIGHT** for, **ZERO** against, and **ONE** 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 12-12-2023
Kasey Velasquez, Chairman Date

Vaneysa Johnson 12/13/2023
Vaneysa Johnson, Tribal Secretary Date