



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Memorandum of Agreement Between the Tribe & U.S. Indian Health Service for Project No. PH23-W40, Miner Flat Well 14 Rehabilitation)

WHEREAS, The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(a) that the Tribal Council (“Council”) shall exercise the power, “[t]o represent the Tribe and act in all matters that concern the welfare of the Tribe”, and in Section 1(b), “[t]o negotiate, make and perform contracts and agreements of every description, not inconsistent with federal law or this constitution, with ... the United States”; and

WHEREAS, The U.S. Indian Health Service (“IHS”) desires to enter into a Memorandum of Agreement (“MOA”) with the White Mountain Apache Tribe to Rehabilitate Miner Flat Well 14, at a total estimated cost of \$450,330.00 (Agreement No. PH23-W40), on the Fort Apache Indian Reservation (the “Project”) (attached and incorporated herein by reference); and

WHEREAS, The Environmental Protection Agency, through the Drinking Water Tribal Set Aside, is contributing funds in the amount of \$450,330.00 to complete the Project; and

WHEREAS, The Project proposes to rehabilitate Minor Flat Well 14 by cleaning, flushing, developing, pump testing, and disinfecting the well, then installing a new liner, drop pipe and pump, in addition to any minor control panel upgrades; and

WHEREAS, Upon completion of such service by the Indian Health Service, ownership of the new facilities will be transferred to the White Mountain Apache Tribal Utility Authority; and;

WHEREAS, The Council finds that authorizing the MOA with IHS to rehabilitate Minor Flat Well 14 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 attached Memorandum of Agreement between the Tribe and the U.S. Indian Health Services, for the Rehabilitation of Minor Flat Well 14, at an estimated cost of \$450,330.00, is hereby approved.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe hereby authorizes that upon completion of such services in the MOA by the Indian Health Service, ownership of the new facilities will be transferred to the White Mountain Apache Tribal Utility Authority.


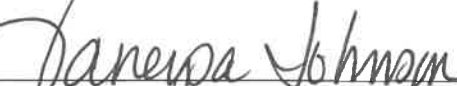
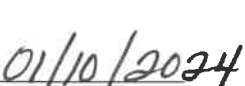
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

Resolution No. 01-2024-010

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 03, 2024** 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 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	Date	Vaneyssa Johnson, Tribal Secretary	Date
<i>acting chairman</i>			