

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

- WHEREAS, the Tribal Council has been advised that Lufkin Construction Company was to complete Phase I, Segment II of the Whiteriver Waste Water Sewer Project by June 25, 1982, but is approximately four to five weeks behind schedule; and
- WHEREAS, this delay in completion of the sewer project has caused and continues to cause the White Mountain Apache Tribe irreparable harm and injury to its Canyon Day Project and causes undue delay in the delivery of waste water delivery services to the tribal people; and
- WHEREAS, the Tribal Council has been further advised that Lufkin Construction Company has not been diligent in pursuing the timely completion of the sewer project and by prior resolution, the Council has more specifically identified the consequence of apparent negligence on the part of Lufkin Construction Company; and
- WHEREAS, the purpose of this resolution is to demand Lufkin Construction Company to give the Whiteriver Sewer Project the highest priority and that they employ adequate staff to complete the project as soon as possible, preferably within the next two weeks in order to prevent further damage to the Canyon Day Farm and to avoid the coming summer rains.
- BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby demands that Lufkin Construction Company complete the Whiteriver Waste Water Sewer Project within two weeks from the date of this resolution by applying sufficient staff and equipment in order to prevent further damage to the tribal farm and to avoid even further delays because of the summer rains.
- BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs the Board of Directors of the White Mountain Apache Tribal Utility Authority to make a report at the next Tribal Council Meeting as to the progress being made by Lufkin Construction Company toward the completion of the sewer project.
- BE IT FURTHER RESOLVED by the Tribal Council that it also directs Lufkin Construction Company representatives to appear before the Tribal Council and to explain why the sewer project is four to five weeks behind schedule.
- BE IT FURTHER RESOLVED by the Tribal Council that the tribe is hereby exercising the penalty provisions set forth in the contract between it and Lufkin Construction Company which requires Lufkin Construction Company to pay the sum of \$500.00 per day for each day after June 25, 1982 the date scheduled for the completion of the project.

The foregoing resolution was on July 8, 1982 duly adopted by a vote of 9 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1(i) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 1958 and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

[Handwritten signature]

Chairman of the Tribal Council

Mary G. Goodfield

Secretary of the Tribal Council

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FORT APACHE INDIAN
AGENCY
WHITERIVER AD