

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

- WHEREAS, the Tribal Council of the White Mountain Apache Tribe has deemed it necessary to review each Tribal Enterprise's budget, profit and losses, capital expenditures and the further probability of it either making a profit or causing the tribe to incur a financial deficit; and
- WHEREAS, pursuant to said review, the Tribal Council has reviewed the profit and loss condition of the Tribal Roads Enterprise, which has operated for the past 2½ years and is designated in the tribal fiscal system as Account 13; and
- WHEREAS, said review indicates that the Tribal Council has advanced financing in the amount of \$1,250,000 since the creation of the Tribal Roads Enterprise and that the Roads Enterprise is presently operating five pieces of heavy equipment machinery pursuant to a lease/purchase agreement with Empire Machinery Company which is costing the Tribe approximately \$17,000 per month, and further has an accumulated cash deficit of \$1,357,167 as of July 31, 1982; and
- WHEREAS, the Tribal Council's review also indicates that there is no money in the Tribal Budget to continue to pay for this leased equipment and to advance capital and operational money to the Tribal Roads Enterprise and further that the economic situation in the construction industry has resulted in little or no substantial work that could be contracted for at high enough profit margin to enable the Tribal Roads Enterprise to repay the Tribe for monies advanced to date; and
- WHEREAS, in order to avoid an overdraft situation, the Tribal Council is forced at this time, due to the economy, to terminate the Tribal Roads Enterprise except for the fulfillment of an existing contract for the rental of the three trucks (with driver operator) to M.M. Sundt Construction Company; said contract to be completed no later than October 20, 1982; and
- WHEREAS, the Tribal Roads Enterprise advises the Tribal Council that the three trucks committed for the Arizona Department of Transportation Projects No. FR-044-1(8) and F-044-1-910 (to pave the road to Big Lake Junction) should be completed before January, 1983 and that the tribal trucks will only be used on said projects until October 20, 1982 and further that the three trucks described are not leased from the Empire Machinery Company but are held free of any lien by the Tribal Roads Enterprise; and
- WHEREAS, the Tribal Council directs a representative of the Tribal Roads Enterprise, the Tribal Administrator and the Tribal Attorney to immediately negotiate a release of the tribe's obligation to lease or purchase said equipment on the best possible terms, to include compensation for the Tribal equity in the five pieces of equipment; and

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WHEREAS, the Tribal Council concludes that the economic welfare of the Tribe compels it to immediately shut down the Tribal Roads Department operations including the layoff of all employees and to turn over all the personally assigned motor vehicles, equipment, motor vehicle and Enterprise keys and inventory and property, credit cards, books and records, files, receivables and monies, cash on hand and monies received by Tribal Roads Enterprise to the Tribal Administrator in order to protect against their loss, unauthorized use, vandalism and in order to transfer said tribal property to ongoing tribal enterprises, such as the Development Enterprise that can benefit from said equipment; and

WHEREAS, the Tribal Council hereby directs all Accounts Receivables be placed in the Office of the Tribal Administrator for collection purposes and that the Tribal Roads Manager is requested to assist and cooperate with the Tribal Administrator to collect monies due and owing on those accounts, and further that the Tribal Administrator conduct a close-out audit of the Tribal Roads Department Enterprise and take custody of all vehicles and equipment in the Roads Enterprise equipment yard, together with all supporting equipment and facilities and ensure accountability for and security of same; and to take such additional actions as are required to protect the Tribal property interests and to reduce the Tribal losses in the termination of the Roads Enterprises.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby terminates the operation of the Tribal Roads Department effective immediately and that all employees be laid off until further notice.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby grants permission to Alvino Hawkins and Rudy Walker and if necessary, one other Roads Department employee only, to operate two or three trucks in connection with the Arizona Department of Transportation paving projects being completed by M.M. Sundt Construction Company with their salaries and equipment costs to be paid by M.M. Sundt Construction Company.

BE IT FURTHER RESOLVED that upon completion of the use of said trucks on the Arizona Department of Transportation Project on October 20, 1982, said trucks shall be immediately turned over with their registration and keys to the custody of the Tribal Administrator.

BE IT FURTHER RESOLVED by the Tribal Council that a Committee of the Tribal Administrator, Tribal Attorney and a representative for the Tribal Roads Enterprise immediately begin negotiations with the Empire Corporation for the return of the leased heavy equipment and for a release from the lease obligations.

BE IT FURTHER RESOLVED by the Tribal Council that all motor vehicles including personally assigned pickup trucks, automobiles, their keys and registration must be parked and delivered into the custody of the Tribal Administrator. A complete inventory of all tools and equipment and machinery, credit cards, books, and records, files, receivables and monies, cash on hand and monies received must be turned over immediately to the Tribal Administrator and he should take immediate custody except for the keys to the trucks to be utilized and hired out to the M.M. Sundt Construction Company until October 20, 1982, and further that the Tribal Administrator conduct a complete close-out audit of the Enterprise.


BE IT FURTHER RESOLVED by the Tribal Council that the Tribal Administrator is to secure and padlock and retain the keys for the Tribal Roads equipment yard where the Tribal Roads Enterprise equipment is or is to be stored and further to secure the gas and diesel tanks so that no one can obtain fuel from the tanks.

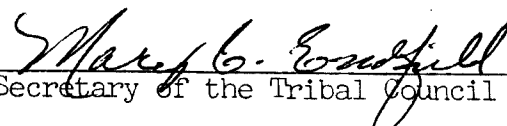
BE IT FURTHER RESOLVED that copies of this resolution be delivered to the former Manager of the Tribal Roads Enterprise and Tribal Administrator and that the directives and instructions set forth in this resolution be carried out immediately.

BE IT FURTHER RESOLVED by the Tribal Council that it recognizes and commends the work of Rudy Walker and Alvino Hawkins for doing their best to operate the Tribal Roads Department despite the distressed national economy in the construction area and in the White Mountain Area at this time, and further commends Mr. Walker and Mr. Hawkins for their cooperation with the termination of the Enterprise for the economic welfare of the White Mountain Apache Tribe.

BE IT FURTHER RESOLVED that the Tribal Administrative Manager be authorized and directed to conduct further studies and analysis as to possible future heavy equipment operations in support of the on-going development of Reservation natural resources, road systems, and construction projects; said studies and analyses to be presented to the Tribal Council, with recommendations, for review and action as indicated.

The foregoing resolution was on September 21, 1982 duly adopted by a vote of 5 for and 4 against and 1 abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to its 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).

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council

WHITE MOUNTAIN APACHE TRIBE  
Fort Apache Indian Reservation  
Whiteriver, Arizona  
Special Council Meeting  
September 23, 1982

B R I E F S

1. Special Council meeting called to order.
2. Resolution No. 82-236 adopted approving 1982 membership to the National Congress of American Indians and appoints tribal delegates to the NCAI Convention.

RECEIVED  
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WHITERIVER, ARIZ