

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

- WHEREAS, the Tribal Council has discussed the practice of Apache Development Enterprise of vigorously pursuing off-reservation construction work which does not result in any significant net profit for the Enterprise and virtually no employment for tribal members while at the same time exposing the tribe to millions of dollars worth of potential liability by virtue of bid and performance bonds posted for those jobs awarded to Development Enterprise, and
- WHEREAS, the Tribal Council has received reports that the Development Enterprise may be underbidding jobs off the reservation which may jeopardize the tribe in terms of liability if the construction job awarded to the Development Enterprise requires a greater sum of money to complete it than was set forth in the bid by Development Enterprise, and
- WHEREAS, the Tribal Council is of the opinion that the Development Enterprise should concentrate on making responsible bids for construction work within the exterior boundaries of the Fort Apache Indian Reservation so that the maximum employment of tribal members can be achieved and proper controls of any cost overruns can be maintained, and
- WHEREAS, the Tribal Council is aware that it has by prior resolutions approved bid bonds and performance bonds for off-reservation construction projects being bid upon by Development Enterprise, but which have yet been formerly opened and awarded, and
- WHEREAS, the Tribal Council concludes that it is in the best financial interest of the tribe to rescind all prior resolutions authorizing bid bonds and performance bonds for projects which have been bid upon by Development Enterprise off the reservation, but which have not yet been awarded to any contractor, and
- WHEREAS, the Tribal Council has also been advised that the deficit to date for Development Enterprise is approximately \$300,000.00 and said delinquency cannot continue unchecked.
- BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby rescinds all prior resolutions authorizing bid bonds and performance bonds for any project off the reservation which has not yet been awarded to Development Enterprise or any other contractor.
- BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs Bill Morgan, the Enterprise Manager to withdraw all bids for off-reservation construction work which have not yet been awarded to Development Enterprise or which have not yet been opened.
- BE IT FURTHER RESOLVED by the Tribal Council that this resolution is not meant to rescind those bid bonds and performance bonds for those jobs already awarded on or off the reservation to Development Enterprise, but is restricted only to those resolutions authorizing bid and performance bonds on off-reservation jobs that have yet to be awarded.

BE IT FURTHER RESOLVED by the Tribal Council that it directs Bill Morgan, or in his absence, Marcelo Minjarez, to provide a report to the Tribal Chairman and the Chairman of the Board of Directors for the Enterprise on all off-reservation construction projects that have been awarded to Development Enterprise and all off-reservation projects for which Development Enterprise has submitted a bid but which have not yet been awarded at a formal bid opening to any contractor; said report shall be delivered to the Chairman of the Tribal Council and to the Chairman of the Board of Directors of the Development Enterprise no later than five (5) days after the receipt of this resolution.

BE IT FURTHER RESOLVED that the Tribal Administrative Manager, Don Booker is hereby requested to present a profit and loss report on Development Enterprise to the Tribal Council during the regularly scheduled August Tribal Council Meeting.

The foregoing resolution was on July 26, 1983 duly adopted by a vote of 7 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).

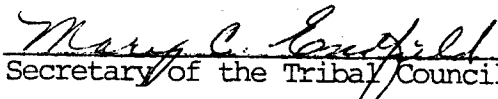


Chairman of the Tribal Council

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JUL 29 1983

FORT APACHE INDIAN
AGENCY
WHITERIVER, ARIZ



Secretary of the Tribal Council

Resolution No. 83-237