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MAY 02 1985

Resolution No. 85-78

FORT APACHE INDIAN
AGENCY
WHITERIVER, ARIZ.

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

- WHEREAS, The Tribal Council is advised that the White Mountain Apache Housing Authority and HUD, the funding agency for HUD Projects 16-30 and 16-31, are requiring lien waivers for all inventory purchased by Development Enterprise and stored in the yard before payment can be made to Development Enterprise; and
- WHEREAS, the Tribal Council is further advised that the tribe has advanced approximately \$903,000.00 of which \$837,000.00 has been advanced for inventory as of April 22, 1985; and
- WHEREAS, obtaining lien waivers from the several hundred vendors involved in HUD Projects 16-30 and 16-31 may involve a period of three weeks or more in some cases, thereby preventing Development Enterprise from being timely paid on their payment request, thus subjecting the tribe to financial burden; and
- WHEREAS, the Housing Authority has advised Development Enterprise that if the tribe would sign an indemnification agreement agreeing to hold the Housing Authority harmless for the total amount of inventory paid from the time of the commencing of the contract through April 22, 1985, as well as for attorney's fees and court costs and defend the Housing Authority against any and all claims that might arise regarding payment or lack of payment therefore; and
- WHEREAS, the Tribal Council is advised that the Treasurer has documentary proof that he has in fact paid all of the inventory up through and including April 22, 1985, and that there will be little or no risk by agreeing to said indemnification agreement; and
- WHEREAS, further, the indemnification agreement shall become null and void upon receipt by the Housing Authority of lien waivers in the amount of \$903,357.00 covering the time period from commencement of the contracts for HUD Projects 16-30 and 16-31 through April 22, 1985; and
- WHEREAS, the Tribal Council concludes that said indemnification agreement will permit Development Enterprise

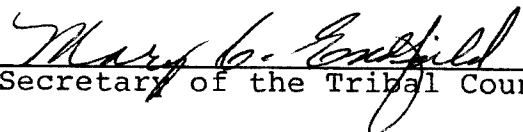
and therefore the tribe, to be reimbursed for all expenditures up through and including April 22, 1985 and will satisfy the lien waiver requirement until such time as the vendors return signed lien waivers for the time period covered by this resolution.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the form of the Indemnification Agreement attached to this resolution and incorporated by reference herein and hereby authorizes the General Manager of Development Enterprises to execute the Indemnification Agreement for the time period involved with the understanding that said Indemnification Agreement will become null and void upon receipt by the Housing Authority of lien waivers for labor, services, contracts, subcontracts and inventory performed or delivered to this site from the time of commencement of the contract through April 22, 1985;

BE IT FURTHER RESOLVED that said Indemnification Agreement shall not be effective for any labor, services, contracts, subcontracts or inventory purchased or incurred after April 22, 1985 on HUD Projects 16-30 and 16-31.

The foregoing resolution was on April 24, 1985, duly adopted by a vote of 9 for and 1 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 Bylaws 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

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