

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

WHEREAS, the Chairman of the Board of Directors for the White Mountain Apache Development Enterprise has presented to the Tribal Council for its review, a resolution passed by the Board of Directors requesting the resignation of Paul Barry as General Manager of the Development Enterprise which is attached hereto and incorporated by reference, and


WHEREAS, the Chairman of the Development Enterprise Board requests that the Tribal Council ratify and approve the Board's resolution based upon the matters set forth herein, and

WHEREAS, the Tribal Council, after a review of the resolution passed by the Board of Directors requesting Mr. Barry's resignation concurs in the recommendation made by the Board.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby terminates the employment of Mr. Paul Barry, pursuant to the reasons set forth in the resolution of the Board of Directors for the Development Enterprise attached hereto.

BE IT FURTHER RESOLVED by the Tribal Council that it directs Mr. Larry Vicario, the Acting Administrative Manager to comply with the request set forth in the Board's resolution regarding Mr. Barry's severance pay and to require that all tribal property be properly returned prior to payment.

The foregoing resolution was on August 19, 1985 duly adopted by a vote of 2 abst. 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).

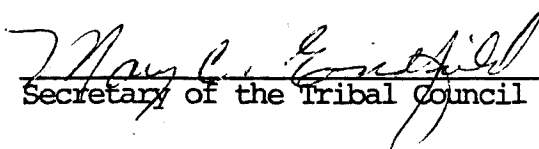


Chairman of the Tribal Council

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AUG 28 1985

FORT APACHE INDIAN
AGENCY
WHITE RIVER, ARIZ.



Secretary of the Tribal Council

RESOLUTION OF THE
BOARD OF DIRECTORS OF THE
WHITE MOUNTAIN APACHE DEVELOPMENT ENTERPRISE

WHEREAS, the Board of Directors for the White Mountain Apache Development Enterprise, being responsible in an advisory capacity to protect the interests of the White Mountain Apache Tribe in the various construction projects contracted by the Development Enterprise; and

WHEREAS, the Board of Directors has conducted a review of the progress and problems associated with several projects presently under construction by Development Enterprise; and

WHEREAS, their review indicates that these projects are all behind schedule and are exceeding the monies available in the contracts; and

WHEREAS, based upon detailed and related investigations and findings regarding the management and administration of the Enterprise by the General Manager, the Board of Directors concludes that the General Manager, Paul Barry, has not performed to the satisfaction of the Board and further concludes that it is in the best interest of the White Mountain Apache Tribe and Development Enterprise to release Mr. Barry from his position effective today, Friday, August 16, 1985, at 4:30 p.m., subject to ratification by the Tribal Council.


BE IT RESOLVED by the Board of Directors of the White Mountain Apache Development Enterprise that it hereby requests that Mr. Paul Barry comply with the Board's request that he resign from his position effective today, Friday, August 16, 1985, at 4:30 p.m.

BE IT FURTHER RESOLVED by the Board of Directors that it requests that Mr. Barry turn in the keys to his office and vehicle and return all other tribal property in his possession to Mr. Larry Vicario, Acting Administrative Manager for the Tribe.

BE IT FURTHER RESOLVED by the Board of Directors that it requests Mr. Vicario to release Mr. Barry's check for all pay due to him, including vacation pay and two weeks severance pay, upon receipt of Mr. Barry's keys and tribal property.

BE IT FURTHER RESOLVED by the Board of Directors that it hereby requests that the Tribal Council meet as soon as possible for purposes of approving this request by the Board of Directors.

BE IT FURTHER RESOLVED by the Board of Directors that it hereby authorizes the Chairman of the Board of Directors of Development Enterprise to cause to be delivered to Mr. Barry a letter requesting his resignation in the form attached hereto.


Chairman, Board of Directors
WHITE MOUNTAIN APACHE
DEVELOPMENT ENTERPRISE



White Mountain Apache Tribe

P. O. BOX 700
WHITERIVER, ARIZONA 85941

August 16, 1985

Paul Barry, General Manager
Development Enterprise
P.O. Box 2140
Whiteriver, Arizona 85941

Dear Mr. Barry:

The Board of Directors of Development Enterprise has conducted a review of the progress and problems associated with the projects presently under construction by Development Enterprise. Our review has shown that these projects are all behind schedule and are exceeding the monies available in the contracts. Specifically, it is estimated by the Aetna accountants that the three bonded projects, HUD 16-30, HUD 16-31, and FAIR 71 will experience cost overruns of approximately 2.5 million dollars. Additionally, these projects are all behind schedule to such an extent that FAIR 71 is presently being assessed liquidated damages and the HUD projects could also result in liquidated damages. The East Fork Springline is presently more than three months beyond its completion date with no firm estimate as to the cost of completion.

Based on these and related findings regarding the management and administration of your duties as General Manager of Development Enterprise, the Board of Directors is dissatisfied with your performance and feels that it is in the best interests of the White Mountain Apache Tribe and Development Enterprise that you be released from your position; effective today, Friday, August 16, 1985 at 4:30 p.m. subject to ratification by the Tribal Council.

The Board of Directors requests that you turn in the keys to your office and vehicle to Larry Vicario, Acting Administrative Manager. Mr. Vicario is authorized to release your check for all pay due to you including vacation pay and two weeks severance pay upon receipt of your keys.

If you have any questions regarding this action, please contact me.

Sincerely,

Reno Johnson, Sr.
Chairman of the Board