

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

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10/28/03

- WHEREAS,** the Tribal Council has previously approved the development of sewer and water services to 33 scattered site housing developments within the East Fork Turkey Creek area; and
- WHEREAS,** the sewer and water development will also serve existing homes within the area, thereby addressing ongoing environmental concerns with fecal and total coliform bacteria and *Escherichia coli* (E. coli) bacteria, which have been shown to be significant sources of pollution in the waters of the East Fork of the White River; and
- WHEREAS,** the sewer and water development will be essential for the final completion and occupancy of the 33 new homes and provide the needed sewer services for existing homes in the region; and
- WHEREAS,** in order to complete the construction the Tribe must have access through a corn field held by the Ashley Griggs, Sr. family in order to install the sewer line; and
- WHEREAS,** a prior verbal understanding with the Griggs family had been reached wherein a proposed pump station would be relocated off of their farm lands with the understanding that the sewer line would need to traverse the farm lands and that access to the pump station and sewer line area would be required as a continuing condition for the life of the sewer and water system; and
- WHEREAS,** these measures are essential to implement and connect the sewer and water system; and
- WHEREAS,** the Tribal Council is advised that the Griggs family has now revoked consent for the proposed installation; and
- WHEREAS,** without their consent or the ability to lawfully install the lines and have access for the pump station, the entire sewer and water project will be halted, thereby preventing occupancy of the 33 new homes and preventing hookups of all existing homes; and
- WHEREAS,** the Tribal Council must act on behalf of the entire Tribal membership to serve the Tribe's long-term needs for the benefit of its people and to address serious environmental conditions; and
- WHEREAS,** the Tribal Council exercises powers pursuant to the Tribal Constitution to act on behalf of its membership and must at this time enforce the needs of the community for essential sewer and water services over the objections of the family; and
- WHEREAS,** the Tribal Council directs that all future land assignments and leases contain language advising the land holder that the Tribe retains all rights not conveyed in the assignment or lease, and that in addition, the Tribe may exercise its powers of

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eminent domain and other powers of self-governance concerning the property in order to serve the needs and goals of the people under the Tribe's Constitution; and

WHEREAS, the Tribal Council directs that the project move forward, but the Council authorizes and directs the appointment of family member Louise Sanchez to a position at the Canyon Day C-Store at a rate of pay of \$12.00 per hour, however her acceptance of this directive is not a condition for implementation of the sewer line project, which will proceed forward for the reason stated above, but is authorized for reasons pertaining to her own welfare, as discussed by the Council this date.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that for the reasons set forth above to serve the needs of the community for sewer and water services, it directs that access shall be made through the Ashley Griggs, Sr. family corn field to install the sewer lines and to ensure ongoing access through the corn fields for sewer line maintenance and as needed for access to the pump house adjacent to the corn fields.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby ratifies and reaffirms the Memorandum of Agreement, PH 03-C25, between the Tribe and the Indian Health Service for the development and completion of this vital project.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it directs it staff to advise the Ashley Griggs, Sr. family of the need for this action and of the Tribal Council's decision this date and that, if necessary, additional Tribal representatives shall be utilized, including the Police Department to assure that this directive is understood and complied with and that the Tribe shall pursue all needed legal measures necessary to maintain compliance with the Tribe's lawful and necessary regulation and control of its lands and activities therein, pursuant to its powers under the Constitution of the White Mountain Apache Tribe.

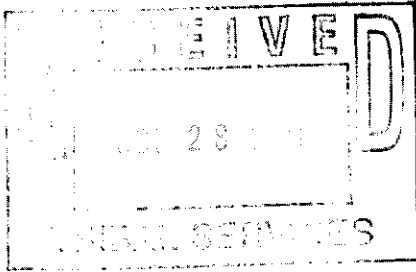
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it authorizes and directs the appointment of Louise Sanchez to a position at the Canyon Day C-Store at a rate of pay of \$12.00 per hour, but that the award of the position is not tied to the directive for the sewer project completion, which will proceed forward for the reason stated above.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that all future land leases and assignments advise the land holder that the Tribe retains all rights not conveyed in the lease or assignment and that in addition, the Tribe retains the right to exercise its power of eminent domain and other powers of self-governance in order to serve the needs and goals of the people under the Tribe's Constitution.


The foregoing resolution was on October 7, 2003 duly adopted by a vote of NINE for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (h), (i), (t), and (u) of the Constitution of the Tribe, ratified by the

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Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).




Chairman of the Tribal Council


ACTING Secretary of the Tribal Council