



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

**(Authorizing Litigation of OSHA Complaints against the White Mountain Apache Tribe)**

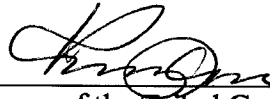
- WHEREAS,** an Occupational Safety and Health Administration (“OSHA”) inspector conducted an inspection of Fort Apache Timber Company (FATCO) on February 14-15, 2007, after a FATCO employee appeared to be fatally injured at the FATCO sawmill, and, as a result of the inspection, OSHA issued two citations on March 16, 2007, along with proposed penalties of \$2,075 for two alleged violations of Section 9(a) of the Occupational Safety and Health Act (hereinafter “the Act”, 29 U.S.S. §651 et seq.); and
- WHEREAS,** on March 13<sup>th</sup> and 14<sup>th</sup>, 2007, OSHA conducted a second inspection of FATCO, and on April 30<sup>th</sup>, OSHA issued a “serious citation No.1,” with items, and an “other than serious citation No. 2,” with 5 items, along with proposed penalties for alleged violations of Section 9(a) of the Act, totaling \$12,100; and
- WHEREAS,** OSHA undertook an inspection of Hon-Dah Casino on January 10, 2007, issued two citations for alleged OSHA violations, along with proposed penalties on March 29, 2007, totaling \$12,000; and
- WHEREAS,** OSHA filed four complaints before the Occupational Health and Safety Review Commission, a federal administrative law court, alleging the Tribe’s enterprises have violated provisions the Act (FATCO (fatality) case docket # 07-0667, filed April 25, 2007; FATCO (nonfatality) case, docket # 07-0806, filed May 29, 2007; Hon-Dah Home Center, case docket #07-935, filed June 15, 2007; and Hon-Dah Casino and Resort, case docket #07-0677, filed May 9, 2007); and
- WHEREAS,** the Tribal Attorney has this day briefed the Tribal Council on each of the four cases and requests authority to litigate and/or settle the matters; and
- WHEREAS,** the Tribal Council further finds that all necessary and appropriate measures need to be undertaken by the Tribe’s Legal Department in order to litigate and/or settle the actions filed by OSHA, and that such litigation is in the best interest of the Tribe, its economic development and sovereignty.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that:

1. The Legal Department is hereby directed to undertake any and all necessary action to litigate and/or settle the four OSHA cases described herein.
2. The Legal Department is further directed to coordinate with the managers of each of the affected enterprises, and any other legal resources as may be appropriate and required, and report to the Tribal Council on the progress of any and all motions filed on behalf of the Tribe.

**Resolution No. 08-2007-308**

The foregoing resolution was on August 8, 2007, duly adopted by a vote of EIGHT for and ONE against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (d), (f), (t) and (u) of the Constitution of the Tribe, ratified by the 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).



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Chairman of the Tribal Council



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Secretary of the Tribal Council