



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

(Authorizing Settlement of OSHA Claims)

WHEREAS, pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and

WHEREAS, the Secretary of the U.S. Department of Labor ("DOL") has filed four Complaints before the Occupational Health and Safety Review Commission, an administrative court established under the U.S. Department of Labor, alleging the Tribe's enterprises have violated provisions of the federal Occupational Safety and Health Act of 1970 (the "Act," 29 U.S.C. § 651 *et seq.*, Sections 5(a)(1), 5(a)(2), and 9(a)), which include Fort Apache Timber Company ("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, pursuant to Resolution No. 08-2007-308, "Authorizing Litigation of OSHA Complaints Against the White Mountain Apache Tribe," the Tribal Council did authorize litigation and/or settlement of the OSHA complaints; and

WHEREAS, the Tribe's Legal Department this day recommends settlement of OSHA's claims against the Tribe pursuant to a draft agreement, as attached and incorporated by this reference, and has distributed an opinion on the cases, which further recommends that the Tribe establish its own code of regulations for occupational safety and health; and

WHEREAS, the Tribal Council concurs with the Legal Department's recommendation for settlement, and that a code of regulations for occupational safety and health be developed for the Tribe.

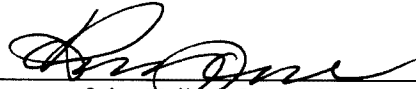
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that:

1. The Tribe's Legal Department is hereby authorized to settle the four Complaints currently before the Occupational Health and Safety Review Commission, according to the terms and conditions contained in the proposed draft agreement between the White Mountain Apache Tribe and the U.S. Department of Labor, as attached and incorporated by this reference.
2. The Legal Department is hereby directed to work with the Tribe's enterprises and divisions to develop a code of regulations for occupational safety and health for the White Mountain Apache Tribe.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice Chairwoman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

Resolution No. 10-2007-424

The foregoing resolution was on October 11, 2007, duly adopted by a vote of EIGHT for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (i), (s), (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).



Chairman of the Tribal Council



Secretary of the Tribal Council