



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Directing the Tribe's Property Manager to Work with the Attorney General's Office, the Division of Health and Environmental Protection Office to Condemn as a Public Nuisance, Demolish, and Remediate the Dilapidated Property Located at 309 E. Chief Avenue)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe ("Tribe") of the Fort Apache Indian Reservation provides, at Article IV, Section 1(s) that the Tribal Council ("Council") shall exercise the power, "... to regulate subordinate organizations for economic and other purposes"; and
- WHEREAS,** The Tribe's Health and Safety Code, at Section 4.2 prohibits "...maintaining a building or portion thereof knowing that it is intended to be, or is being used, for committing or maintaining [a] nuisance public nuisance", and empowers the Tribal Court to order such nuisance abated and destroyed; and
- WHEREAS,** The home structure located at 309 E. Chief Avenue is in a badly burnt, damaged and dilapidated state, which renders it unfit for habitation, as documented in a March 19, 2021 report by the Phoenix Area Indian Health Service Office of Environmental Health and Engineering (the "Report") (attached and incorporated herein by reference); and
- WHEREAS,** The Report found that that the crumbling home, in addition to containing trash piles, pest harborage, and reports from police of stolen materials and drug paraphernalia, also likely contains asbestos and lead paint, making it an environmental and public health hazard; and
- WHEREAS,** The home was given to the late Phoebe Morris, by Tribal Council Resolution No. 09-2006-295, with the condition that she obtain a land assignment, which the family has not done in the subsequent 16 years, invalidating the transfer; and
- WHEREAS,** Upon information and belief, Phoebe Morris' son, Dennis has been residing in the home, and is the person responsible for maintaining the public nuisance presented by the building in its current dangerous state; and
- WHEREAS,** The Tribe's Environmental Protection Office has advised that it has obtained grant funds that may be used for remediating the site, including demolishing the home, removing the building materials and garbage, and safely disposing of all asbestos and lead tainted materials; and
- WHEREAS,** Council finds that resolving the dangerous public nuisance caused by this building, at this time, by directing the Attorney General to bring a nuisance suit on behalf of the Tribe's

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Property Manager in Tribal Court seeking the structural demolition and remediation of the site is in the best interests of the Tribe and its members.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Office of the Attorney General is hereby directed to bring suit in Tribal Court, on behalf of the Tribe's Property Manager, seeking the abatement of the public nuisance at 309 E. Chief Avenue through demolition of the structure thereon and remediation of the site.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Tribe's Environmental Protection Office is hereby directed, as appropriate and available, to utilize EPA grant funds to remediate the asbestos and lead located at the site.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Attorney General is authorized and directed to work with the Tribe's Division of Health, and the Division of Health is hereby directed to cooperate and coordinate with the Attorney General as needed to provide support for the litigation and to address any public health issues related to this matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

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

The foregoing resolution was on **FEBRUARY 9, 2023** duly adopted by a vote of **EIGHT** for, **ZERO** against, and **ZERO** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

<i>Kasey Velasquez</i>	<i>2.15.23</i>	<i>Vaneysa Johnson</i>	<i>2.14.23</i>
Kasey Velasquez, Chairman	Date	Vaneysa Johnson, Tribal Secretary	Date