


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

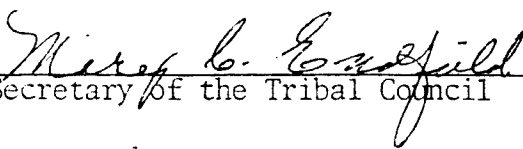
- WHEREAS, the Tribal Council of the White Mountain Apache Tribe has been advised that the Arizona Department of Health Service, Bureau of Water Quality Control, Construction Grants Section, has taken the position that the Tribe will not be reimbursed in the amount of \$250,000.00 for the Irrigation Reuse Area of the Whiteriver Waste Water Management System for the purported reason that agents of the Tribe did not conform to construction grant requirements, and
- WHEREAS, the Tribal Council, pursuant to its investigation of the circumstances surrounding the execution of the contracts, work performed, and bid requirements has concluded that the agents of the White Mountain Apache Tribe who performed the work on the Irrigation Reuse Area competently, accurately and professionally adhered to State of Arizona and EPA requirements for formal advertisements for any subcontracts in excess of \$100,000.00 and for competitive bids for subcontracts in excess of \$10,000.00 and in addition acted in compliance and reliance upon instructions and statements made by Ron Huber, employee of the Arizona Department of Health Services, Bureau of Water Quality Control, reference said contract, and
- WHEREAS, the Tribal Council further concludes that agents for the Tribe acted upon and in compliance with Ron Huber's instruction and guidelines regarding the force account method of financing the project and that Ron Huber, Phil Matthews, engineer for the project, and representatives of the Indian Health Service and Corps of Engineers ratified the method and manner in which agents for the Tribe conducted their construction for the Irrigation Reuse Area, and that agents for the Tribe acted in full compliance with EPA force account guidelines, and
- WHEREAS, the Tribal Council concludes that based upon its investigation, the refusal of the Arizona Department of Health Services to tender reimbursement payment of \$250,000.00 for the construction of the Irrigation Reuse Area is arbitrary, capricious and malicious.
- BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby makes demand upon the Arizona Department of Health Services, Bureau of Water Quality Control, Construction Grant Section; and in particular, upon David H. Woodruff, Manager of the Construction Grant Section and upon Ron Huber of the same office to immediately reimburse the White Mountain Apache Tribe in the amount of \$250,000.00 for the Irrigation Reuse Area as required by the Whiteriver Waste Water Management System Contract.
- BE IT FURTHER RESOLVED by the Tribal Council that it directs Special Counsel, William H. Veeder, for the Tribe to pursue any and all administrative and legal remedies for the recovery of the \$250,000.00.

BE IT FURTHER RESOLVED by the Tribal Council that it places Mr. David H. Woodruff, Manager of the Construction Grant Section, Ron Huber of the same office and Phil Matthews of Adam, Hamlyn and Anderson on notice that the White Mountain Apache Tribe may seek to hold them personally liable to the Tribe for any and all losses of funding for the Irrigation Reuse Area of the Whiteriver Waste Water Management System as a result of their continued unfounded arbitrary, and malicious charges of contract non-compliance made against the Tribe.

The foregoing resolution was on June 02, 1982 duly adopted by a vote of 9 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



Secretary of the Tribal Council

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FORT MONTEZUMA INDIAN
AGENCY
WHITERIVER AREA