

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

- WHEREAS,** Councilmember Judy Dehose, President of the Cibecue Community Education Board, Inc., advises the Tribal Council that HUD Housing proposed for Cibecue is being built on school (government reserve) property which is also a potential site for proposed new school construction for the Cibecue Community School; and
- WHEREAS,** over the past several weeks the Cibecue Community School has suffered damages as a result of housing construction; the housing contractors having excavated the school's main water line on three occasions thereby causing structural damage to the school's main water line in two locations approximately 300 feet from the construction site; and
- WHEREAS,** the White Mountain Apache Housing Authority, Indian Health Service and the housing contractor have advised school officials that when the Bureau of Indian Affairs gave the right-of-way to build, the blueprints it provided never identified the school's main water line; and further, all parties involved have refused to take responsibility for damages to said water line; and
- WHEREAS,** two cement slabs for housing units were placed directly on top of the school's main water line which was unidentified until the contractor excavated and in the process broke the main water line and that subsequent to that incident, the line has been broken twice; and
- WHEREAS,** the Cibecue school has never previously experienced any of the aforescribed problems, but now the impact of housing construction together with traffic from megaton equipment has created potential long-term problems; and
- WHEREAS,** the school's four-inch main water line is only 18 inches to two feet below the surface, is composed of transite which is a very brittle material, and crosses under the proposed housing subdivision which will expose the line to constant heavy traffic; and
- WHEREAS,** the Cibecue Community Education Board, Inc. and school officials respectfully request Tribal Council assistance to either have the water line incased to prevent future damage, or have it totally replaced with PVC pipe; and

WHEREAS, the contractor has access to adequate equipment and the Housing Authority can justify or initiate a change order to the contract to rectify potential problems and damage to the school's main water line; and

WHEREAS, once the contractor asphalts and concretes the streets, any cracks and repairs to the system will be cost prohibitive; and

WHEREAS, the Tribal Council concludes that the needs of 300 children are being jeopardized due to an obvious oversight by either the contractor, the Bureau of Indian Affairs, Indian Health Service, or the Housing Authority, or all four entities to a certain degree; and

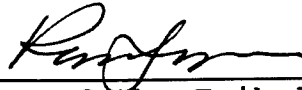
WHEREAS, the cost of correcting the problem prior to asphaltting and completion of the housing project by relocating the water line and by the installation of PVC pipe is relatively insignificant when compared to the irreparable harm and injury that on-going and future damage to the school's water line will cause to the school and to the welfare and health of children attending the school; and

WHEREAS, the Tribal Council concludes that the Cibecue School water line should be relocated at the shared cost of the Indian Health Service, the Bureau of Indian Affairs, and the White Mountain Apache Housing Authority, and that appropriate change orders should be executed to allow the contractor to complete said relocation.

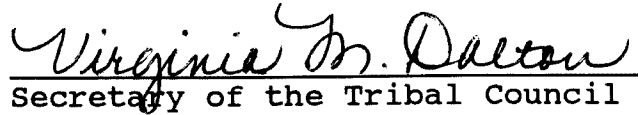
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby requests that the Bureau of Indian Affairs, Indian Health Service, and White Mountain Apache Housing Authority to take immediate steps to relocate the Cibecue Community School's main water line and replace the present transite line with PVC pipe to avoid any future damage to the main water line to the Cibecue School.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby places the Indian Health Service, the White Mountain Apache Housing Authority, and the Bureau of Indian Affairs, on notice that the Tribal Council will look to one or all of those entities as being legally responsible for any past or future damage done to the Cibecue Community School water line, and that the Tribal Council is advised that there may be legal liability shared by one or all of the aforementioned entities for failure to properly investigate and disclose to the contractor the existence of existing school water line which has resulted in known and unknown damage.

The foregoing resolution was on August 12, 1992, duly adopted by a vote of seven for and zero 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 Bylaws 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 APACHE INDIAN AGENCY
WHITERIVER, ARIZONA