



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

**(Approving Assistance)**

- 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**, Marjorie Grimes, Tyrone and Jessie Gushoney reported that the main sewer line ruptured in and around the Gushoney home, resulting in irreparable damage to the building and the personal property of the Gushoneys; and
- WHEREAS**, the ruptured sewer line is part of the system maintained and operated by the White Mountain Apache Utility Authority, which knew or should have known that the line required repairs; and
- WHEREAS**, the Gushoneys have potential claims in tort against the Tribe for actual and potential damages for personal injuries sustained as a result of the sewer line rupture, pursuant to the White Mountain Apache Tort Claims Act; and
- WHEREAS**, the Gushoneys allege evidence that they have incurred personal property losses of \$12,533, \$30,000 in damages to the building and \$10,000 in actual and potential health damages, for a total claim of \$52,533; and
- WHEREAS**, the Gushoneys are now homeless and would prefer to settle their claims through the Tribal Council without going through the procedures set forth under the Tort Claims Act, because their situation is desperate and they want to be made whole as soon as possible; and
- WHEREAS**, the Tribal Council finds that the White Mountain Apache Tribe should (1) expedite settlement of the Gushoneys' claims made herein through payment for personal property losses and health damages, through funds as may be available by and through the Tribe's Revolving Credit program, (2) the Revolving Credit program should assist the Gushoneys with the purchase of another home, (3) the Gushoneys should provide proof of damages in the form of receipts and/or appraisals, and (4) in satisfaction of any and all actual and potential claims the Gushoneys may have, the Gushoneys should release the Tribe from any and all liability; and
- WHEREAS**, the Tribal Council further finds that the main sewer line should be immediately repaired with the assistance of the Tribal Engineer and WMAUA, and that the Planning and Community Development Department should seek any and all applicable grant funds as may be available for such purpose

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

1. The Tribe's Revolving Credit Program and/or the Tribe's Risk Management program is hereby directed to expedite settlement of the Gushoneys' claims made herein through payment for personal property losses and health damages, through funds as may be available by and through the Revolving Credit program or the Tribe's insurance policies, for no more than a total of \$22,533.00.
2. The Revolving Credit program should assist the Gushoneys with the purchase of another home with a maximum value not to exceed \$30,000.00, which may be funded by and through funds made available through the program and/or the Tribe's insurance policies.
3. The Gushoneys shall provide proof of all damages alleged herein in the form of receipts and/or appraisals to the Revolving Credit program.
4. In accord and satisfaction of any and all actual and potential claims the Gushoneys may have, the Gushoneys shall release the Tribe from any and all liability.
5. The Tribe's Legal Department is hereby directed to prepare a settlement agreement between the Tribe and the Gushoneys that, among other things, releases the Tribe from any and all liability.

**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.

The foregoing resolution was on September 5, 2007, duly adopted by a vote of SEVEN 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), (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).

*Lafayette*  
ACTING Chairman of the Tribal Council

*Conroy R. Harvey*  
Secretary of the Tribal Council