

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 by the Tribal Attorney, Robert C. Brauchli, that the Tribal Ordinance establishing the White Mountain Apache Housing Authority contains what is known as a "sue or be sued" clause that allows the Tribal Housing Authority to sue and be sued in its corporate name, upon any contract, claim or obligation arising out of its activities under the ordinance, and

WHEREAS, this provision could be interpreted to mean that the Tribal Housing Authority has submitted itself to federal and state court jurisdiction which may be contrary to the Tribal policy of furthering the sovereignty and non-interference with tribal self-government, and

WHEREAS, the Tribal Attorney advises the Tribal Council that he has been in contact with the Regional Office of Housing and Urban Development in San Francisco reference amending the "sue or be sued" provision of the Tribal Housing Authority Ordinance to restrict enforcement of the "sue or be sued" clause in tribal court only and has been advised that the Washington, D.C. Office must give its approval to any such amendment, and

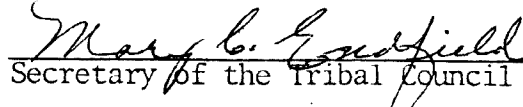
WHEREAS, the Tribal Attorney requests of the Tribal Council, a resolution authorizing him to draft an amendment to the Housing Authority Ordinance to provide for exclusive jurisdiction in tribal court of any action to enforce contractual obligations of the Housing Authority or any other cause of action arising pursuant to the actions of the Housing Authority and good cause appearing therefor.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Tribal Attorney to amend the "sue or be sued" provision of the White Mountain Apache Housing Authority Ordinance to provide for exclusive jurisdiction in the White Mountain Apache Tribal Court for disputes and actions arising against the White Mountain Apache Tribal Housing Authority, either by contract, equity, tort or otherwise.

The foregoing resolution was on June 03, 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).

APPROVED
JUN 04 1982
FORT APACHE INDIAN
AGENCY


Chairman of the Tribal Council


Secretary of the Tribal Council