

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

WHEREAS, the Tribal Council on June 20, 1985, adopted Resolution No. 85-155 requiring a mandatory payroll deduction for those tribal employees who were also Housing Authority tenants delinquent two months or more in their monthly rental fees; and

WHEREAS, recently, the Housing Authority has requested the Tribal Administrative Office to enforce said resolution; and

WHEREAS, the Administrative Manager has requested the Tribal Attorney's Office to review the legality of the mandatory payroll deduction; and

WHEREAS, pursuant to said review, the Tribal Attorney advises the Tribal Council that a mandatory payroll deduction to collect delinquent rental fees without the prior consent of Tribal Employees and without notice and due process of law may constitute a violation of the Indian Civil Rights Act; and

WHEREAS, the Tribal Council, although concerned about the tenant account receivables, remains willing to assist the Housing Authority in reducing those delinquencies to ensure the Tribe's eligibility for future HUD Housing; nevertheless, must abide by the Constitutional guarantees of fairness to tribal members; and

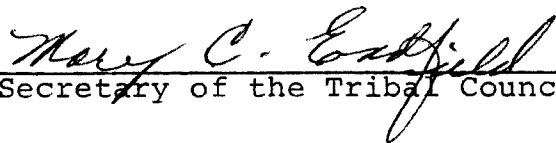
WHEREAS, the Tribal Council concludes that the resolution authorizing mandatory payroll deductions must be rescinded for the foregoing reasons.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in view of the Constitutional requirements of the Indian Civil Right's Act of 1968, it hereby rescinds Resolution No. 85-155 adopted June 20, 1985.

BE IT FURTHER RESOLVED by the Tribal Council that it reaffirms its commitment to assist the Housing Authority in all legally permissible ways to reduce Tenant Account Receivables.

The foregoing resolution was on February 5, 1986, duly adopted by a vote of 5 for and 3 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