

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

RECEIVED  
JUN 01 1982  
FORT APACHE INDIAN  
AGENCY  
WHITERIVER, ARIZ

- WHEREAS, Mr. Marcelo Minjarez, a non-tribal member of the White Mountain Apache Tribe, but married into the Tribe, has a business lease for the rental of what is known as Vina's Clothing Store located in the Commercial Shopping Center in Whiteriver, Arizona on the Fort Apache Indian Reservation, and
- WHEREAS, the provisions of the lease required Mr. Minjarez to pay the Tribe a monthly rental in the amount of \$375.00 per month, and
- WHEREAS, Mr. Minjarez has been unable to pay his rent and has accrued rental arrearages in the amount of approximately \$17,500.00, and
- WHEREAS, the failure to deliver the monthly rental due on the store to the Tribe constitutes a default and breach of the lease, and
- WHEREAS, based upon the Tribal Council's information and belief, Mr. Minjarez doing business as Vina's Clothing Store has also purchased clothing inventory for his store from the Tribe in the approximate amount of \$44,000.00, and
- WHEREAS, the Tribal Council has been informed that Mr. Minjarez has not paid for the \$44,000.00 worth of clothing inventory purchased from the Tribal Variety Store located in the Commercial Shopping Center, and
- WHEREAS, the Tribal Council concludes that for economic reasons the present situation cannot exist any longer without repayment efforts made by Mr. Minjarez to the Tribe, and
- WHEREAS, the Tribal Council in the past has been extremely lenient in enforcing the lease rental requirements against Mr. Minjarez, but must review its prior position because of the great necessity for income to be produced in the clothing store location for the benefit of the people of the White Mountain Apache Tribe, and
- WHEREAS, this issue of the rental arrearages and money due the tribe for the purchase of clothing inventory has become an extremely sensitive tribal issue because of Mr. Minjarez's tribal position as Administrative Business Manager for the White Mountain Apache Tribe and because many tribal members have brought the matter to the Tribal Council's attention and have complained about what they view as an apparent favoritism toward the Administrative Business Manager regarding enforcement of rental provisions for the clothing store which is operated as a private business by the Administrative Manager and his family, and
- WHEREAS, the Tribal Council concludes that it is important that the Administrative Business Manager set a good example to the public in his business relationship with the Tribe, and

WHEREAS, Mr. Minjarez has requested a bonus of \$5,000.00 in addition to his salary; said bonus to be applied to his arrearages for the clothing store rent and accounts receivable in consideration for his success in saving the Tribe insurance premiums in the amount of \$325,394.00 and for his recovery for the Tribe of \$100,000.00 from the insurance company for the Supermarket loss, having gained \$25,000.00 above and beyond the \$75,000.00 offer of settlement tendered by the insurance company, and

WHEREAS, the Tribal Council expresses its deep appreciation for these exemplary deeds in savings accomplished by the Administrative Business Manager but; nevertheless, cannot ignore the lack of payment that presently exists at the clothing store operated by Mr. Minjarez, and

WHEREAS, the Tribal Council concludes that Mr. Minjarez should be required to follow a five-month probationary repayment plan which will require him to deliver \$375.00 rent per month and in addition \$200.00 a month toward rent arrearages and accounts receivable for the next five months at the end of which, a determination by the Tribal Council will be made regarding his payment record, and

WHEREAS, said repayment plan further grants Mr. Minjarez a sixty-day grace period in which to make each monthly payment, and

WHEREAS, the Tribal Council recommends to Mr. Minjarez that he give considerable thought over the next five months as to a possible disposition of the store and that he consider alternatives to dispose of the clothing store, his inventory and to otherwise liquidate his debt to the Tribe, and

WHEREAS, the Tribal Council concludes at this time it is unwilling to grant Mr. Minjarez's request of a bonus of \$5,000.00 which would be directly applied for his arrearages, but is of the opinion that he deserves a six percent (6%) cost of living increase plus a merit step increase, but that the merit step increase should be held back during the period of his repayment probation time of five months unless in the interim he liquidates his holdings in the clothing store or the debts owed to the Tribe.

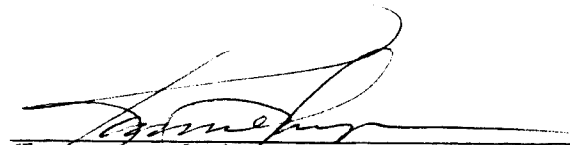
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby turns down the request of Marcelo Minjarez for a bonus of \$5,000.00 to be applied to his rent arrearages and accounts receivable in the clothing store.

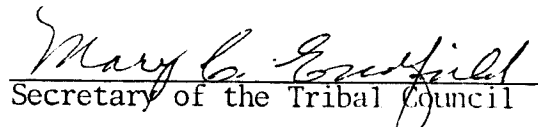
BE IT FURTHER RESOLVED that the Tribal Attorney is directed to forthwith draft an agreement between the Tribe and Marcelo Minjarez outlining a five-month repayment plan which will act as a probationary period for both the Tribe and Marcelo Minjarez to consider his future occupancy of what is known as Vina's Clothing Store.

BE IT FURTHER RESOLVED that the agreement drafted by the Tribal Attorney should include provisions set forth above as to the amount for rent, the amount to be applied to the arrearages, the sixty-day grace period, and the duration of the probationary repayment period.

BE IT FURTHER RESOLVED that payment pursuant to the agreement shall commence on or about June 01, 1982.

The foregoing resolution was on May 25, 1982 duly adopted by a vote of 10 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