



THE PAIUTE INDIAN TRIBE OF UTAH

440 North Paiute Drive • Cedar City, Utah 84721 • (435) 586-1112

RESOLUTION NO. 2017-02

ADOPTION AND ENACTMENT OF THE APPOINTMENT AND REMOVAL OF COMMISSIONERS TO THE BOARD OF THE UTAH PAIUTE TRIBAL HOUSING AUTHORITY ORDINANCE

- WHEREAS,** the Paiute Indian Tribe of Utah (“Tribe”) is a federally recognized Indian tribe under 25 U.S.C. § 761, et seq., organized under the Tribe’s Constitution, as ratified by the Tribe on June 11, 1991, and approved by the Secretary of the Interior on July 15, 1991, and amended by the Tribe on August 12, 1997, and approved by the Secretary of the Interior on September 30, 1997, pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984); and
- WHEREAS,** the Tribal Council is the official governing body of the Tribe; and
- WHEREAS,** Article V, Section 1 of the Tribe’s Constitution states that the Tribal Council is vested with all executive and legislative powers of the Tribe, including the power to make and implement laws; and
- WHEREAS,** the Utah Paiute Tribal Housing Authority (“UPTHA”) was established under Utah’s public housing authority statute in 1974; and
- WHEREAS,** under state law, the UPTHA’s ability to transact business or exercise its powers is contingent on an authorizing resolution from the Tribe, which was provided by resolution of the Utah Paiute Tribal Corporation in 1974; and
- WHEREAS,** in 2008, by Resolution No. 2008-08, the Tribe officially designated UPTHA as a Tribally-Designated Housing Entity (“TDHE”), which enables the UPTHA to receive federal funding from the U.S. Department of Housing and Urban Development (“HUD”) under the Native American Housing Assistance and Self Determination Act of 1996 (“NAHASDA”), and other federal funding; and
- WHEREAS,** the Tribe has certain powers and authorities with respect to UPTHA because it operates as a TDHE; and
- WHEREAS,** the UPTHA is governed by a five-member Board of Commissioners; and
- WHEREAS,** under the Utah state law for public housing authorities, the governing body is vested with the power to appoint and remove Commissioners to the housing authority board; and

WHEREAS, Resolution No. 2008-08 provides that “[t]he Board of Commissioners of the Utah Tribal Paiute Housing Authority (UPTHA) is elected by the adult members for their respective Bands”; and

WHEREAS, the Tribal Council has determined that it is in the best interests of the Tribe and its members to establish a procedure for the appointment and removal of Commissioners to the UPTHA Board; and

WHEREAS, the Tribal Council has reviewed and considered the attached Appointment and Removal of Commissioners to the Board of the Utah Paiute Tribal Housing Authority, and has determined that adoption and enactment of said Ordinance is in the best interests of the Tribe and its members.

THEREFORE BE IT RESOLVED that the Tribal Council hereby authorizes the adoption and enactment of the attached Appointment and Removal of Commissioners to the Board of the Utah Paiute Tribal Housing Authority; and

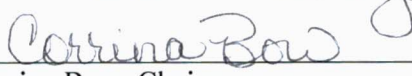
BE IT FURTHER RESOLVED that the attached Appointment and Removal of Commissioners to the Board of the Utah Paiute Tribal Housing Authority supersedes any previously enacted ordinances of the Tribe regarding the appointment and removal of Commissioners to the UPTHA Board;

BE IT FURTHER RESOLVED that the Appointment and Removal of Commissioners to the Board of the Utah Paiute Tribal Housing Authority Ordinance shall be posted at the Tribal headquarters, at each community building and on the tribal website, in accordance with the Tribal Council Rules of Procedure; and

BE IT FINALLY RESOLVED that the Appointment and Removal of Commissioners to the Board of the Utah Paiute Tribal Housing Authority Ordinance shall take effect five (5) days after posting.

CERTIFICATION

I hereby certify that the foregoing Resolution was fully considered by the Tribal Council at a duly called meeting in Cedar City, Utah, at which a quorum was present and that the same was passed by a vote of 3 in favor, opposed, and 2 abstained this 16 day of February, 2017.



Corrina Bow, Chairwoman

ATTEST: