



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving White Mountain Apache Tribe Settlement Funds for the Home of Harmony Project)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(a) that the Tribal Council (“Council”) shall exercise the power, “[t]o represent the Tribe and act in all matters that concern the welfare of the Tribe”, and in Section 1(s), “to regulate subordinate organizations for economic or other purposes”; and
- WHEREAS,** The Fort Apache Heritage Foundation, Inc., (“Foundation”) is overseeing all aspects of the planning, financing, and design of the Home of Harmony Project (“Project”) which entails the renovation and rehabilitation of Building No. 116, the former boys’ dorm, located in the Fort Apache Site, for a total estimated project cost of Twelve Million Five Hundred Thousand Dollars (\$12,500,000.00); and
- WHEREAS,** The Council, pursuant to Resolution No. 02-2022-18, approved a grant application for the Tribe and the Foundation as co-recipients to the U.S. Economic Development Administration (“EDA”) for purposes of financing the cost of the Project which the EDA has awarded the Tribe and the Foundation Five Million Dollars (\$5,000,000.00) for the Project; and
- WHEREAS,** the Arizona State Parks has awarded the Foundation a grant of Four Hundred Ninety-Seven Thousand Nine Hundred Eighty Dollars (\$497,980.000) for the Project; and
- WHEREAS,** The Council, pursuant to Resolution No. 05-2024-103, approved term sheets between the Foundation and U.S. Bancorp Community Development Corporation (“USBCDC”) to begin negotiating with USBCDC on its proposed equity investment of Five Million Nine Hundred Thirty-Seven Thousand Five Hundred Thirty-Three Dollars (\$5,937,533.00) in federal New Markets and Historic Rehabilitation Tax Credits to finance the Project; and
- WHEREAS,** The Foundation plans to use an amount currently estimated to be Three Million Two Hundred Thousand Dollars (\$3,200,000.00) but not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000.00) from the White Mountain Apache Tribe Settlement Fund for the Project as part of the finance structure with federal New Markets Tax and Historic Rehabilitation Tax Credits; and
- WHEREAS,** Section II(A) of the White Mountain Apache Tribe Settlement Plan allows the Foundation to administer and use settlement funds for the repair, rehabilitation, maintenance, restoration, and preservation of the Fort Apache Property pursuant to the Settlement Agreement between *White Mountain Apache Tribe v. United States of America*, Case No. 99-148L, subject to review and approval by the Council; and

WHEREAS, The Foundation's Chief Executive Officer this day requests approval by the Council for the Foundation to use an estimated amount of Three Million Two Hundred Thousand Dollars (\$3,200,000.00) but not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000.00) as a source of funding for the finance structure for the Project; and

WHEREAS, The Council finds that approving the Foundation's request to use an estimated amount of Three Million Two Hundred Thousand Dollars (\$3,200,000.00) but not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000.00) from the White Mountain Apache Tribe Settlement Plan as a source of funding for the Project in order to secure the overall financing for the Project would be in the Tribe's best interest.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves and authorizes the Foundation to use an estimated amount of Three Million Two Hundred Thousand Dollars (\$3,200,000.00) but not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000.00) as a source of funding for the Project in order to secure financing for the total costs of the Home of Harmony Project.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute and deliver any and all other documents and to take or cause to be taken such further actions as such individual deems necessary or appropriate to effectuate the intent of this Resolution.

The foregoing resolution was on SEPTEMBER 11, 2024 duly adopted by a vote of NINE for, ZERO against, and ZERO abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1, of the WMAT Constitution, so ratified on November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

<u>Kasey Velasquez</u>	<u>9.11.24</u>	<u>Vaneysa Johnson</u>	<u>9/11/2024</u>
Kasey Velasquez, Chairman	Date	Vaneysa Johnson, Tribal Secretary	Date