



# **WHITE MOUNTAIN APACHE TRIBE**

## **A Sovereign Tribal Nation**

**(Approving the Matching of White Mountain Apache Tribe Settlement Funds with EDA Award No. 07-79-07870 Funding for the Repair, Rehabilitation, Maintenance, Restoration and Preservation of the Fort Apache Property through the Home of Harmony Project)**

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- 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 the Home of Harmony Project (“Project”) which entails the repair, rehabilitation, and preservation of Building No. 116, the former boys’ dorm, located within the Fort Apache and Theodore Roosevelt School National Historic Landmark, for a total estimated project cost of Twelve Million Five Hundred Thousand Dollars (\$12,500,000.00); and
- WHEREAS,** Pursuant to Resolution No. 02-2022-18, the United States Economic Development Administration (“EDA”) awarded the Tribe and the Foundation Five Million Dollars (\$5,000,000.00) (the “EDA Grant”) for the Project; and
- WHEREAS,** Arizona State Parks and Trails awarded the Foundation two grants totaling Four Hundred Ninety-Eight Thousand Six Hundred Dollars (\$498,600.00) for the Project; and
- WHEREAS,** The Council, pursuant to Resolution No. 05-2024-103, further approved financing for the Project through federal New Markets Tax Credits and Historic Rehabilitation Tax Credits, specifically, for U.S. Bancorp Community Development Corporation (“USB CDC”) to provide an estimated equity investment of Five Million Nine Hundred Thirty-Seven Thousand Five Hundred Thirty-Three Dollars (\$5,937,533.00) for the Project; and
- WHEREAS,** The Council, pursuant to Resolution No. 09-2024-201, approved the Foundation to use up to Three Million Five Hundred Thousand Dollars (\$3,500,000.00) from the Settlement Fund for the Project as part of the overall finance structure with federal New Markets Tax Credits and Historic Rehabilitation Tax Credits; and
- WHEREAS,** The Five Million Dollars (\$5,000,000.00) in grant proceeds from the EDA are to be provided on a reimbursement basis for eligible Project costs as they are incurred, resulting in requirements for the Foundation to pay a large portion of the Project costs prior to submitting reimbursement requests to EDA and receiving reimbursement pursuant to those requests from EDA; and

- WHEREAS,** Accordingly, the Council, pursuant to Resolution No. 09-2024-200, approved a Bridge Loan Term Sheet with Sovereign Bank to provide a bridge loan of up to Five Million Nine Hundred Thousand Dollars (\$5,900,000.00) to fund the costs of the Project that the EDA Grant Award would cover if it were immediately available instead of being provided on a reimbursement basis, and further authorized the Foundation to begin negotiating a Bridge Loan Agreement with Sovereign Bank; and
- WHEREAS,** The Foundation's Chief Executive Officer ("CEO") this day informs the Council that Sovereign Bank is requiring additional terms as a condition to making the Bridge Loan that were not within the Bridge Loan Term Sheet. The Foundation, as confirmed by its Legal Counsel, has determined that Sovereign Bank's additional terms are neither agreeable nor in the best interest of the Foundation and Tribe; and
- WHEREAS,** Section II(A) of the Use and Distribution of the White Mountain Apache Tribe Judgment Funds in Docket No. 99-148L, *White Mountain Apache Tribe v. United States of America*, in the United States Court of Federal Claims (the "Distribution Plan") states "Judgment Funds in the amount of \$12,000,000, including any accrued interest and investment income (Fund Income) shall be used to establish a perpetual and permanent Fort Apache Preservation Fund (the "Fund") for the repair, rehabilitation, maintenance, restoration and preservation of the Fort Apache Property...said Fund to be administered by the [Foundation]...for the purpose of supporting and assisting in the preservation, maintenance, and revitalization of the history, culture and traditions of the White Mountain Apache people"; and
- WHEREAS,** Section II(B)(1)(b) of the Distribution Plan authorizes the Fund to be used "[a]s a permanent matching fund annually for other federal, state, and private grants for the repair, rehabilitation, maintenance, restoration and preservation of the Fort Apache Property [which encompasses Building No. 116]"; and
- WHEREAS,** The Foundation's CEO this day requests approval by the Council to use up to an additional Five Million Dollars (\$5,000,000.00) from the Fund to match the EDA Grant Award of Five Million Dollars (\$5,000,000.00), which funds will be used to pay in advance for the costs, reimbursable from the EDA Grant, for the repair, rehabilitation, and preservation of Building No. 116 through the Home of Harmony Project, as authorized pursuant to Section II(B)(1)(b) of the Distribution Plan, which will bring the total expenditures from the Fund for the Project to an amount not to exceed Eight Million Five Hundred Thousand Dollars (\$8,500,000.00); and
- WHEREAS,** The Foundation's CEO further advises the Council that the Foundation will reimburse the amounts from the Fund used to match the EDA Grant under this Resolution in the amount of up to Five Million Dollars (\$5,000,000.00) back into the Fund upon receipt of disbursements of the EDA Grant; and
- WHEREAS,** The Foundation's Board of Directors has reviewed the request and recommends to the Council approval of said request so that the Foundation can proceed with closing the New Markets Tax Credit / Historic Tax Credit financing transaction and further proceed with completing the Home of Harmony Project; and

**WHEREAS,** The Council finds that approving the Foundation's request to use up to an additional Five Million Dollars (\$5,000,000.00) from the Fund to match the EDA Grant of Five Million Dollars (\$5,000,000.00) to pay upfront the costs for the repair, rehabilitation, maintenance, restoration and preservation of Building No. 116 would be in the Tribe's and the Foundation'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 up to an additional Five Million Dollars (\$5,000,000.00) from the Fund to match the EDA Grant of Five Million Dollars (\$5,000,000.00) to pay the costs for the repair, rehabilitation, maintenance, restoration and preservation of Building No. 116, through the Home of Harmony Project, as authorized pursuant to Section II(B)(1)(b) of the Distribution Plan, for a total expenditure of the Settlement Funds for the Project at an amount not to exceed Eight Million Five Hundred Thousand Dollars (\$8,500,000.00) on the condition that the Foundation reimburse the amounts used, up to Five Million Dollars (\$5,000,000.00), back into the Fund upon receipt of disbursements of the EDA Grant.

**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 MARCH 05, 2025 duly adopted by a vote of ELEVEN 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).

Kasey Velasquez 3-6-25  
Kasey Velasquez, Chairman Date

Vaneysa Johnson 3/6/2025  
Vaneysa Johnson, Tribal Secretary Date