



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

**(Authorizing lease to Housing Authority for Housing Unit and Center Construction pursuant to Project AZ 16-74)**

**WHEREAS,** pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and

**WHEREAS,** the Housing Authority is the Tribally Designated Housing Entity of the Tribe pursuant to the Native American Housing Assistance and Self-Determination Act of 1996 ("NAHASDA") and is responsible for carrying out the Indian Housing Plan ("IHP") under NAHASDA; and

**WHEREAS,** the Housing Authority has applied for an allocation of Tax Credits ("Tax Credits") from the Arizona Department of Housing ("ADOH") permitting the Housing Authority to construct twenty (20) dwelling units, comprising a new housing project, known as Project No. AZ 16-74 ("Project") under its approved IHP; and

**WHEREAS,** the Housing Authority has one site for the Project within the Ft. Apache Junction and has obtained Tribal Land Board approval for the sites described as set forth in Exhibit A, as attached and incorporated by reference ("Project Leasehold Property"); and

**WHEREAS,** in connection with the Tax Credit program as administered to ADOH under applicable provisions of Section 42 of the Internal Revenue Code of 1986, as amended, it is necessary for the Housing Authority to sublease portions of the Project Leasehold Property to an Arizona limited partnership known and identified as WMAHA Limited Partnership #5 ("Tax Credit Partnership"), within which the Housing Authority will act as General Partner; and

**WHEREAS,** the Tribal Council, as the duly empowered and authorized governing body of the Tribe, believes it is in the best interests of the Tribe to: (1) permit and authorize a new Lease for the Project Leasehold Property, and (2) permit and authorize the sublease of twenty (20) dwelling sites and a community center site within the Project Leasehold Property from the Housing Authority to the Tax Credit Partnership; and

**WHEREAS,** the Tribal Council finds that the assignment of the land described herein is in the best interest of the Ft. Apache Junction community and the Tribe; and

**WHEREAS,** the Tribal Council further finds that a lease between the Housing Authority as lessee and the Tribe should be approved for the purposes described herein, and that the lessee should be provided further authority to encumber the property with individual loan leasehold mortgages.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the issuance of a new lease to the Housing Authority, pending legal review, for the project known as Project AZ 16-74 for a term of 25 years, with an automatic 25 year renewal period.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Housing Authority, pending legal review, to sublease sections of the Project Leasehold Property to the Tax Credit Partnership.

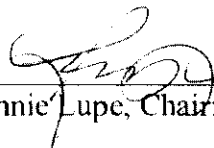
**Resolution No. 01-2010-04**

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Housing Authority as Lessee is hereby further authorized to encumber the property with leasehold mortgages as may be required and allowed by federal law and the lease agreement attached hereto.

**BE IT FURTHER RESOLVED** by the Tribal Council that in the event of any inconsistency between this Resolution and any prior Resolution or Policy, this Resolution shall govern.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice Chairwoman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on January 8, 2010, duly adopted by a vote of EIGHT for, ZERO against and ONE abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (h), (i), (j), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

  
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Ronnie Lupe, Chairman of the Tribal Council

  
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Cindy R. Harvey, Secretary of the Tribal Council