



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing the Rainbow Treatment Center to Lease the Whiteriver DES Facility for a Ten Year Term)

- WHEREAS,** the Rainbow Treatment Center ("RTC") is a Tribal program offering residential and outpatient alcohol and substance abuse treatment programs and is operated through the White Mountain Apache Tribe Division of Health Programs; and
- WHEREAS,** RTC provides a wide array of services to the members of the community; and
- WHEREAS,** due to the growth of its programs and the community needs, RTC seeks additional space to provide services; and
- WHEREAS,** the Tribal Council has received a proposal to locate RTC's Working To Wellness program at the Whiteriver DES building, which is currently vacant; and
- WHEREAS,** RTC has prepared a written summary of the program elements, activities and objectives for its proposed use of the facility; and
- WHEREAS,** the activities, which are focused on outpatient vocational rehabilitation, provides specialized training to equip clients for participation in the workforce; and
- WHEREAS,** RTC officials have advised the Council that they can expand and strengthen their client services with the additional space and facilities available at the DES facility; and
- WHEREAS,** the Tribal Council has reviewed and endorses the proposal and program activities; and
- WHEREAS,** RTC would need to make a considerable investment in the building to bring it into code compliance and make it functional for RTC purposes; and
- WHEREAS,** prior to the commencement of any repairs or upgrades, RTC would submit project construction plans to the Tribe for approval; and
- WHEREAS,** RTC requests permission to lease the facility for a ten year term, subject to declination should the premises require repairs in excess of the facility value to RTC; and
- WHEREAS,** the rental amount would be offset by the cost of repairs and improvements RTC makes to the facility, as agreed to by RTC and the Tribe; and
- WHEREAS,** the Tribal Council makes the declarations below to waive certain requirements under 25 C.F.R. Part 162.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the proposed plan of activities and the lease of the Whiteriver DES facility to the Tribe's RTC program for a term of ten years pursuant to the terms and conditions set forth above, including the abatement of rent by the amount of the project construction, repair and upgrade costs.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Office of the Attorney General to negotiate the lease subject to the terms above.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it makes the following declarations about certain conditions which might otherwise be required by federal regulation, 25 C.F.R. Part 162:

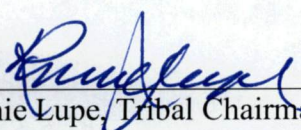
1. The Tribe waives the due diligence and enforcement requirements under 25 CFR §162.417 concerning permanent improvements which may be made within the lease site;
2. The Tribe has negotiated satisfactory compensation under the lease terms and for that purpose waives valuation under 25 CFR §162.420, and the Tribe further states that accepting the negotiated compensation and waiving the valuation is in the Tribe's best interest;
3. The Tribe has determined that it is in the Tribe's best interest to not have compensation reviews and/or adjustments, as would otherwise be required under 25 CFR §162.428(a); and
4. The Tribe requests the waiver of the requirements under 25 CFR §162.434 for a performance bond or other security.

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.

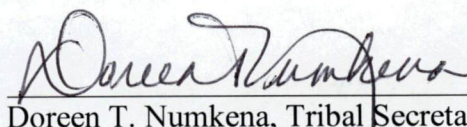
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

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 any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on MAY 18, 2016 duly adopted by a vote of NINE for, ZERO against, and ONE 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 September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).


Ronnie Lupe, Tribal Chairman

7/6/16
Date


Doreen T. Numkena, Tribal Secretary

7/6/2016
Date