



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Plans to Complete the McNary Low Income Housing Project Compliance Conditions)

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- WHEREAS,** the Tribal Council received a briefing from the Community Development Corporation (“CDC”), which serves as the general partner of the partnership that owns and operates the Mc Nary Low Income Housing Tax Credit project; and
- WHEREAS,** the project has successfully completed the project compliance period; and
- WHEREAS,** the project was the first successful recipient of tax credit funds in Indian country in the state of Arizona, and will now be the first to complete all tax credit program conditions; and
- WHEREAS,** to develop the project, the Tribe obtained financing through the federal low income tax credit program, and an award of grant funds from the Indian Home Program to the Tribe, which were required to be dedicated to the Project in the form of a forgivable loan from the Tribe; and
- WHEREAS,** to complete and close the project, the CDC will provide closing documentation to the Arizona Department of Housing for removal of deed restrictions recorded with Apache County to impose certain conditions on the use of the project property stemming from the tax credit funding and Indian Home Program funds; and
- WHEREAS,** the project specifications call for the residential units to be transferred to ownership by qualified tenants after conclusion of the compliance period; and
- WHEREAS,** the CDC, as the partnership general manager, has met with the project tenants and prepared documentation and agreements to arrange for the transfer of the homes, with such transactions to require Council approval by separate action to authorize residential lease agreements for each Project residence; and
- WHEREAS,** 15 of the 20 homes are ready for immediate transfer, with the remaining five homes to be transferred at a later date; and
- WHEREAS,** the close out plan also calls for the partnership to surrender the master lease it held over the 20 home units, for the Tribe to release the conditions stemming from the loan of Indian Home Program funds, and for the dissolution of the Partnership and assignment all further Partnership rights and obligations to the CDC; and
- WHEREAS,** the Tribal Council has reviewed the plans to close out the project and approves the following measures.

Resolution No. 09-2017-221

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the plans, including the Conveyance Plan, presented this date by the CDC as general partner of the White Mountain Apache Limited Partnership to complete and closeout the Mc Nary Low Income Housing Tax Credit Project.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby forgives the loan amount stemming from the award to the Tribe of Indian Home Program funds in the amount of \$450,000 to the White Mountain Apache Limited Partnership, and it authorizes the release of the mortgage covering the loan of Indian Home Program funds and the allocation of federal tax credit funds for the Project recorded on the Project property with Apache County.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it accepts and approves the surrender of the Master Lease for the project, executed by the CDC on behalf of the White Mountain Apache Limited Partnership.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it requests that the Arizona Department of Housing release the Declaration of Affirmative Land Use and Restrictive Covenants Agreement concerning the Project property, also recorded with Apache County.

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 **SEPTEMBER 27, 2017** duly adopted by a vote of **EIGHT** 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 September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

 10/11/17  10/12/17
Ronnie Lupe, Tribal Chairman Date Doreen T. Numkena, Tribal Secretary Date