



**WHITE MOUNTAIN APACHE TRIBE**  
A Sovereign Tribal Nation

**(Approving a Master Lease to Community Development Corporation  
For Five Residential Properties in McNary)**

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**WHEREAS,** the Tribal Council, by separate resolution enacted this date, approved the terms to successfully complete the compliance period under the McNary Low Income Housing Tax Credit project, including the surrender of the master lease for the 20 units; 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 partnership general manager, the Community Development Corporation ("CDC"), reports that most units are ready for tenant ownership, but that five units are not ready and will require a sublease arrangement for the time being; and

**WHEREAS,** the CDC will hold the remaining five units under a master lease from the Tribe and sublease the units to the individual tenants until the tenants have completed the qualification conditions to obtain ownership of the units; and

**WHEREAS,** the CDC will return to the Tribal Council to request authorization for individual residential leases for the remaining tenants in lieu of a sublease arrangement when those tenants have completed the qualification documents; and

**WHEREAS,** the new master lease would pertain to Lots 2, 7, 13, 14, and 18 of the McNary Low Income Housing Tax Credit project; and

**WHEREAS,** the sublease arrangement would require each tenant to comply with routine terms and conditions the Tribe requires for each residential lease agreement; and

**WHEREAS,** the Tribal Council has reviewed the lease document and concurs with the terms.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the new Master Lease between the Tribe and the Community Development Corporation for a term of ten years at the nominal amount of \$1.00 per ten year term for the following parcels from the former McNary Low Income Housing Tax Credit Project, and as identified in greater detail in the Lease Agreement for Lot 2, Lot 7, Lot 13, Lot 14 and Lot 18.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Community Development Corporation to enter into residential subleases of the individual parcels, consistent with the terms and conditions of the master lease.

**Resolution No. 09-2017-222**

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby makes the following declarations about certain conditions which would 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)
4. The Tribe requests that the Bureau of Indian Affairs waive the requirements under 25 CFR §162.434 for a performance bond or other security, in recognition of the Lessee's status as a Tribal program subject to Tribal Council oversight; and
5. Pursuant to 25 CFR §162.438(f), the Tribe confirms that the proposed use of the facility is in conformity with applicable Tribal law.

**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).

 10/5/17  10/5/17  
Ronnie Lupe, Tribal Chairman Date Doreen T. Numkena, Tribal Secretary Date