



# WHITE MOUNTAIN APACHE TRIBE

## A Sovereign Tribal Nation

### (Approval for Waiver of TERO Fees for the Construction of White Mountain Apache Housing Authority #7 Project)

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**WHEREAS,** the White Mountain Apache Housing Authority (“Housing Authority”), as the tribally designated housing entity of the Tribe is responsible for carrying out the Tribe’s housing plan and the development and operation of housing pursuant to the Native American Housing Assistance and Self-Determination Act of 1996 (“NAHASDA”); and

**WHEREAS,** the Housing Authority has received an allocation of tax credits from the Arizona Department of Housing, which will enable the Housing Authority to rehabilitate 22 housing units, and to construct 22 new housing units within the Cibecue community and construct a community building for use by the tenants of the project; and

**WHEREAS,** due to changes in federal tax laws, the anticipated funds available for the project from Low-Income Housing Tax Credits has been substantially reduced, placing the project in jeopardy of not being constructed as a result of budget constraints; and

**WHEREAS,** the White Mountain Apache Housing Authority #7 Project (WMAHA #7 Project”) serves an important governmental function of providing decent, safe, affordable housing for tribal members and a community center for use of the tenants; and

**WHEREAS,** the Tribal Council finds that the WMAHA #7 Project is an important project that serves a governmental purpose and that the waiver of the Employment Rights Fee (“TERO fee”) set forth in Section 1.6(A)(1) of the White Mountain Apache Tribe’s Labor Code serves a vital and essential governmental purpose of the Tribe in ensuring the viability of this project; and

**WHEREAS,** the Tribal Council has set precedent and waived the application of Section 1.6(A)(1) of White Mountain Apache Tribe’s Labor Code to other projects that serve essential governmental purposes and has determined that such waiver for the current project is in the best interest of the Tribe.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves a waiver of TERO fees for the construction of the White Mountain Apache Housing Authority #7 Project, including its application to any subcontractors on the actual construction project in an amount up to but not to exceed \$480,000.00.

**BE IT FURTHER RESOLVED,** by the Tribal Council of the White Mountain Apache Tribe that the waiver of TERO fees shall only apply to the fee for the WMAHA #7 Projects’s total approved budget.

**Resolution No. 03-2018-66**

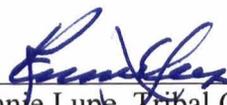
**BE IT FURTHER RESOLVED**, by the Tribal Council of the White Mountain Apache Tribe that all companies including but not limited to contractors, subcontractors and vendors involved in this project shall be responsible for all applicable individual tribal licensing fees in accordance with the White Mountain Apache Tribe's Labor Code.

**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 **MARCH 7, 2018** duly adopted by a vote of **SIX** for, **ZERO** against, and **THREE** 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).

	<u>3/14/18</u>		<u>3/13/2018</u>
Ronnie Lupe, Tribal Chairman	Date	Doreen T. Numkena, Tribal Secretary	Date