



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing the Rainbow Treatment Center to Lease the Construction Facilities Building for a Ten Year Term)

WHEREAS, the Rainbow Treatment Center (“RTC”) is a Tribal program offering a wide array of services to the members of the community, including residential and outpatient alcohol and substance abuse treatment programs and is operated through the White Mountain Apache Tribe’s Division of Health Program; and

WHEREAS, RTC is currently utilizing the Tribe’s construction facilities building to house the RTC maintenance and security personnel; and

WHEREAS, due to the growth of its programs and the needs of the community, RTC seeks additional space to support the programs it operates and thereby proposes to enter into a ten-year term lease with the Tribe to continue its use of the building in exchange for rental payments; and

WHEREAS, it has been agreed upon, by both parties, that expenses incurred by RTC to modify and improve the condition of the building would be offset from the rental payments; and

WHEREAS, the Tribal Council concurs with the proposal and finds it in the best interest of the Tribe to approve the terms of the lease agreement.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the lease agreement of the construction facilities building located on 1st Avenue in Whiteriver to the Tribe’s RTC program for a term of ten-years, pursuant to the terms and conditions set forth in the lease agreement reviewed by this date.

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 review and/or adjustments, as would otherwise be required under 25 CFR §162.428 (a)

Resolution No. 01-2019-03

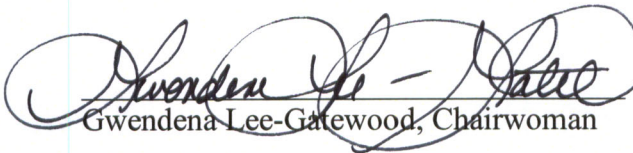
4. The Tribe requests that the Bureau of Indian Affairs waive the requirements under 25 CFR §162.434 for a performance bond or other security, in recognition of the Lessee's status as a Tribal program subject to Tribal Council oversight; and
5. Pursuant to 25 CFR §162.438(f), the Tribe confirms that the proposed use of the facility is in conformity with applicable Tribal law.

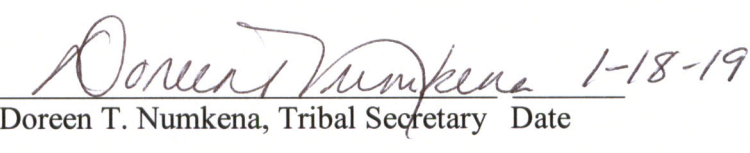
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal the Tribal Council fo 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 Chairwoman, or in her 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 **JANUARY 3, 2019** duly adopted by a vote of **ELEVEN** 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).

 1.18.19
Gwendena Lee-Gatewood, Chairwoman Date

 1-18-19
Doreen T. Numkena, Tribal Secretary Date