



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing the Rainbow Treatment Center to Amend the Whiteriver Motel Business Lease to Include the Restaurant and to Extend the Term for an Additional Ten Years)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe of the Fort Apache Indian Reservation (“Constitution”) provides, as Article IV, Section 1(h) that the Tribal Council (“Council”) shall exercise the power “To regulate the uses and disposition of tribal property”; and
- WHEREAS,** The Rainbow Treatment Center (“RTC”) is the White Mountain Apache Tribe’s residential and outpatient alcohol and substance abuse treatment program; and
- WHEREAS,** On August 8, 2014, by Resolution No. 07-2014-105, the Council authorized a ten year lease to the RTC of the Whiteriver Motel (“Motel”) for the purpose of providing transitional housing and service to clients of RTC; and
- WHEREAS,** RTC, at this time, wishes to amend the lease to include the Whiteriver Restaurant (“Restaurant”) to provide job skills and vocational training for its clients by maintaining it as a business; and
- WHEREAS,** RTC has received an asbestos survey for the interior of the Motel and the roof of the combined Motel and Restaurant building, which identify the need for asbestos abatement throughout the entire building; and
- WHEREAS,** It is more cost effective to complete environmental remediation and renovation of the entire Motel and Restaurant complex at the same time; and
- WHEREAS,** Leasing the entire Motel and Restaurant complex to RTC will provide RTC the opportunity to comprehensively renovate the building and to use all of the facilities to provide transitional housing, services, and occupational training to its clients; and
- WHEREAS,** The RTC advises that it currently possesses adequate funding to meet its current expansion goals while also renovating the Motel and Restaurant; and
- WHEREAS,** RTC has met with the necessary Tribal staff and departments to discuss this proposal and negotiate terms of an amended lease agreement; and
- WHEREAS,** RTC, has prepared a proposal and business plan for the Council’s review; and

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WHEREAS, The Council has reviewed RTC's proposal and business plan and finds that amending the Business Site Lease to include the Whiteriver Restaurant and extend the term for an additional ten (10) years will help RTC provide additional needed services to its clients, make a means for the comprehensive renovation of the Motel and Restaurant, and is in the best interests of the Tribe and its members.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes an amendment to the Whiteriver Motel business lease to add to it the Whiteriver Restaurant and extend the term for an additional ten years, until 2029.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes inclusion of a rent abatement provision in said lease agreement to allow the Rainbow Treatment Center to recapture expenses incurred for the repair/renovation of the Whiteriver Motel and Restaurant.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Rainbow Treatment Center is directed to maintain the current staff of the Whiteriver Restaurant at the time of assumption of the lease, subject to temporary furloughs that may be necessary during environmental abatement and renovation activities.

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 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 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.

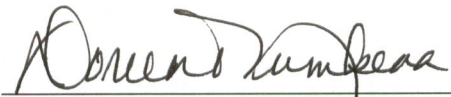
The foregoing resolution was on JUNE 12, 2019 duly adopted by a vote of SEVEN for, ONE against, and THREE abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).



Gwendena Lee Gatewood, Chairwoman

6/17/19

Date



Doreen T. Numkena, Tribal Secretary

6-17-19

Date