



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving a Business Land Assignment to Apache Behavioral Health Services for Construction of a New Dialysis Facility in Whiteriver)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation (“Constitution”) provides, at Article IV, Section 1(m) that the Tribal Council (“Council”) shall exercise the power “To provide by ordinance for the assignment, use, or transfer of tribal lands within the reservation”; and
- WHEREAS,** Section 2 of the Tribe’s Land Code provides the Council with the authority to approve or disapprove of recommendations made by the Land Board for the assignment of Tribal lands; and
- WHEREAS,** The Apache Behavioral Health Services (“ABHS”) has applied for a Business Land Assignment for 2.477 acres at the former dialysis site near the Whiteriver Hospital, where it plans to construct a new dialysis facility to provide essential dialysis services for tribal members and residents within the vicinity of the Fort Apache Indian Reservation; and
- WHEREAS,** Due to the urgent request of the ABHS to begin construction at the site, a majority of the Tribal Land Board members have reviewed and signed the Business Land Assignment application and recommends it to the Tribal Council for approval; and
- WHEREAS,** The Council has reviewed this matter and concurs with the recommendation of the Tribal Land Board and finds it in the best interest of the Tribe to approve the Business Land Assignment application of the Apache Behavioral Health Services for a business site near the Whiteriver Hospital, for the construction of a new dialysis facility.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the Business Land Assignment application to the Apache Behavioral Health Services (ABHS), for the construction of a new dialysis facility to provide essential dialysis services to members of the White Mountain Apache Tribe and residents within the vicinity of the reservation.

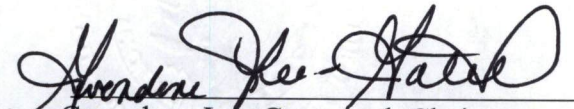
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

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 Federal Laws, 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.

Resolution No. 02-2021-15

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 **FEBRUARY 10, 2021** duly adopted by a vote of **EIGHT** for and **TWO** against with **ZERO** abstaining 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

2-16-21
Date


Doreen T. Numkena, Tribal Secretary

2-16-2021
Date