



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving a Business Land Lease to the Governing Board of the Whiteriver Unified School District No. 20 (WUSD) for all School District Sites)

WHEREAS, The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation (“Constitution”) provides, at Article IV, Section 1(b) that the Tribal Council (“Council”) shall exercise the power “To negotiate, make and perform contracts and agreements of every description, not inconsistent with Federal Law and this Constitution, with any person, association, or corporation, with any municipality or any county, or with the State of Arizona or the United States, including agreements with the State of Arizona for rendition of public services; and

WHEREAS, The current lease with the Whiteriver Unified School District No. 20, for District School sites located in the Communities of Whiteriver, Seven Mile, North Fork and Canyon Day, expired on August 13, 2021; and

WHEREAS, The Governing Board of the Whiteriver School District No. 20 would like to continue leasing all School District sites to continue providing educational instruction for children residing within the Fort Apache Indian Reservation; and

WHEREAS, The Governing Board is requesting Tribal Council approval for a new 25-year lease, with an automatic 25-year renewal option, for its four school sites identified in Exhibits A, B, C and D (attached hereto), at the nominal lease rate of one dollar (\$1.00) per site per 25-year term; effective August 14, 2021; and

WHEREAS, The Tribal Council has considered this request and recognizes the need for continued educational instruction for students residing within the Fort Apache Indian Reservation communities and concurs with this request.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes a long-term lease with the Governing Board of the Whiteriver Unified School District No. 20 (WUSD) for the purpose of providing continued educational instruction for students residing within the Fort Apache Indian Reservation; and

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes a lease term of 25-years, with an automatic 25-year renewal option, effective August 14, 2021, at the minimum lease fee of one dollar (\$1.00) per site per 25-year term.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the new lease will include four School District sites described in Exhibits A, B, C, and D, attached hereto, and located in the communities of Whiteriver, Seven Mile, North Fork and Canyon Day.

Resolution No. 09-2021-181


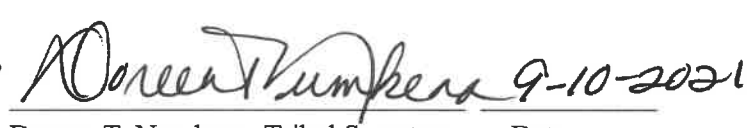
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it makes the following declarations about certain conditions which might otherwise be required by Federal Regulations at 25 C.F.R. Part 162:

1. The Tribe waives 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); and
4. The Tribe requests the waiver of the requirements under 25 CFR §434 for a performance bond or other security.

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 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 SEPTEMBER 08, 2021 duly adopted by a vote of NINE 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).

 9.10.21  9-10-2021
Gwendena Lee-Gatewood, Chairwoman Date Doreen T. Numkena, Tribal Secretary Date