



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Endorsement of the Indian Health Service (IHS) Unit Replacement Projects and Authorization to Lease Two Parcels of Tribal Land to the Whiteriver Service Unit)

WHEREAS, The Constitution of the White Mountain Apache Tribe of the Fort Apache Indian Reservation (“Reservation”) provides, at Article IV, Section 1(a) that the Tribal Council (“Council”) shall exercise the power “[t]o represent the Tribe and act in all matters that concern the welfare of the Tribe,” at Article IV Section 1(b), “[t]o negotiate, make and perform contracts and agreements of every description, not inconsistent with federal law or this constitution, with... the United States” and at Article IV Section 1(h), [t]o regulate the uses and disposition of Tribal property”; and

WHEREAS, Medical and health services on the Fort Apache Indian Reservation is a paramount concern and the Council of the White Mountain Apache Tribe regularly supports Tribal initiatives aimed at improving service offerings to Tribal members on the Reservation; and

WHEREAS, the Indian Health Service (IHS) Unit Replacement Projects (hereinafter collectively referred to as “the Projects”) have been proposed to the Council by the IHS as a way of expanding and enriching the service offerings that IHS provides Tribal members; and

WHEREAS, the Council is asked to consider endorsement of the Projects, which require two separate twenty-year tribal land leases to the Whiteriver IHS Service Unit, at a no cost lease fee, which will allow for the replacement of the Whiteriver IHS Service Unit and to include additional quarters, parking, and road services for the following sites:

- 1) 64.510 acre parcel of tribal land located at the current Whiteriver IHS Service Unit site (Attachment A);
 - 2) 99.939 acre parcel of tribal land located in the Hon-Dah Community (Attachment B);
- and

WHEREAS, the Council is asked to consider the following previous resolutions:

1) Resolution 08-2009-267 passed on August 12, 2009 requested the return of a 13.9 acre parcel of land located in front of the hospital, which had previously been removed to develop a nursing home (Res. No. 12-2003-285). The Tribe supported the IHS expansion/replacement project and authorized transfer of the 13.9 acre parcel to IHS.

2) Resolution No. 09-2001-256. Resolution 08-2009-267 passed on 08/12/2009 would authorize 100.7 acres of land in Hon-Dah to IHS.

Resolution No. 04-2023-97

3) Resolution No. 10-2014-172, passed on October 23, 2014, supports the IHS expansion project and authorizes a lease to IHS of a 13.9-acre parcel of land, which had previously been removed from the IHS lease for the nursing home development.

4) Resolution No. 01-2018-07, passed on January 17, 2018, concurs with the November 8th, 2017 Phase I Site Selection and Evaluation Report, which recommends construction of the new hospital on the southern portion of the existing hospital campus and approves the use of 100 acres in the Hon-Dah area currently assigned to IHS for employee housing and 14 additional acres on the current site that were previously "cut-off"; and

WHEREAS, the Tribal Council finds it in the best interest of the Tribe to support IHS in the replacement of its service unit and associated projects, by offering the aforementioned land in two separate leases; and

WHEREAS, the Tribal Council further finds that the land leases are a reasonable use of Tribal resources as it will directly benefit members of the Tribe and its residents.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby supports the expansion of the Indian Health Service Whiteriver Service Unit and endorses the IHS Unit Replacement Project.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby concurs with the July 31, 2019 Phase II Site Selection and Evaluation Report which recommends construction of the new hospital on the southern portion of the existing hospital campus and construction of the new quarters site, located southeast of the Hon-Dah Resort and Casino.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes two (2) separate tribal land leases to the Whiteriver IHS Service Unit for a period of twenty (20) years, at a no cost lease fee, for the purpose of replacing the Whiteriver IHS Service Unit and to include additional employee quarters, parking, and road services at the following sites:

- 1) A 64.510 acre parcel of tribal land located at the current Whiteriver IHS Service Unit site in Whiteriver, Navajo County, Arizona (see Attachment A);
- 2) A 99.939 acre parcel of tribal land located in the Hon-Dah Community, Navajo County, Arizona (see Attachment B).

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that this project shall be subject to Real Estate, Land Board, Office of the Attorney General, and any additional necessary review and final Tribal Council approval.

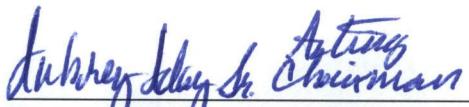
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution 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.

Resolution No. 04-2023-97

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 **APRIL 12, 2023** duly adopted by a vote of **SIX** for, **FIVE** 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).


Kasey Velasquez, Chairman
White Mountain Apache Tribe

4/25/23
Date


Vaneysa Johnson, Tribal Secretary

4/25/2023
Date