



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approving Business Land Assignment with the Fort Apache Heritage Foundation, Inc., for the Home of Harmony Project)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian 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”, and in Section 1(m), “[t]o provide by ordinance for the assignment, use, or transfer of Tribal lands within the Reservation”, and in Section 1(s), “to regulate subordinate organizations for economic and other purposes”; and
- WHEREAS,** Pursuant to Resolution No. 01-2024-011, the Council approved the chartering of the Home of Harmony QALICB, LLC, and the Home of Harmony Manager, LLC, along with the Articles of Organization and Bylaws, for the funding and renovation of the Home of Harmony Project, using Federal New Markets Tax Credits and Federal Historic Rehabilitation Tax Credits to finance the rehabilitation and development of the former boys’ dorm located at the Fort Apache site; and
- WHEREAS,** The Fort Apache Heritage Foundation, Inc., (“Foundation”) is overseeing the Home of Harmony Project, as provided by the Council for the purpose of supporting and assisting the preservation, maintenance, and revitalization of the history, culture, and traditions of the Tribe, pursuant to Resolution Nos. 11-98-258 and 09-2000-272; and
- WHEREAS,** The Foundation’s Chief Executive Officer (“CEO”), this day, advises the Council that a Business Land Assignment is needed for purposes of proceeding with funding through the Federal New Markets Tax Credits Program and the Federal Historic Rehabilitation Tax Credits Program; and
- WHEREAS,** The Land Board reviewed and recommended council approval of the Foundation’s Business Land Assignment Application for 0.94 acres for the Home of Harmony Project, during its Land Board meeting of April 25, 2024; and
- WHEREAS,** The Foundation’s CEO, this day, requests Council approval of a Business Land Assignment, as attached and incorporated by reference, for the Home of Harmony Project for 0.94 acres with the Fort Apache Heritage Foundation, Inc., according to the terms and conditions of the Business Land Assignment; and
- WHEREAS,** The Council finds that approving the Business Land Assignment illustrates the Council’s approval for the Foundation to proceed with the Home of Harmony Project including the right to occupy, develop, and operate a commercial retail and residential mixed use on the Premises, and is in the best interests of the Tribe and its members.

Resolution No. 05-2024-102

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Business Land Assignment for 0.94 acres, as attached and incorporated by this reference and in accordance with its terms and conditions, is hereby approved for the Fort Apache Heritage Foundation, Inc. to resume with the Home of Harmony Project.

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.

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 and deliver any and all other documents and to take or cause to be taken such further actions as such individual deems necessary or appropriate to effectuate the intent of this Resolution.

The foregoing resolution was on MAY 8, 2024 duly adopted by a vote of NINE for, ZERO against, and TWO 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).

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| <u>Kasey Velasquez</u> | <u>5-10-2024</u> | <u>Vaneysa Johnson</u> | <u>05/13/2024</u> |
| Kasey Velasquez, Chairman | Date | Vaneysa Johnson, Tribal Secretary | Date |