



WHITE MOUNTAIN APACHE TRIBE
A Sovereign Tribal Nation

**(Approving WMAHA Loans from WIFA
up to the Amount of \$2,503,550.00 for New Construction in Hondah)**

WHEREAS, The Constitution of the White Mountain Apache Tribe of the Fort Apache Indian Reservation provides, at Article IV, Section 1(s) that the Tribal Council (“Council”) shall exercise the power “To regulate subordinate organizations...”; and

WHEREAS, The White Mountain Apache Housing Authority (“Housing Authority”), a non-profit corporate body organized and existing by virtue of the laws and ordinances of the Tribal Council of the Tribe, pursuant to the Constitution of the Tribe and the White Mountain Apache Housing and Construction Code (“the Housing Code”), is the “tribally designated housing entity” for the Tribe under the Native American Housing Assistance and Self-Determination Act of 1996 (“NAHASDA”), as amended, and is authorized to issue obligations, from time to time, in furtherance of an essential public and governmental purpose; and

WHEREAS, The Housing Authority proposes to apply for two loans (the “Loan(s)”) from the Water Infrastructure Finance Authority of Arizona (“WIFA”), one Loan to be in the amount of up to \$1,181,601 from WIFA’s Clean Water Revolving Fund to obtain payment and reimbursement funds for upgrading and expanding the existing sewer system, and the other Loan to be in an amount of up to \$1,321,949 from WIFA’s Drinking Water Revolving Fund to provide payment and reimbursement funds for upgrading and expanding the existing water system, both as part of a proposed sixty-eight (68) housing unit construction project in Hondah; and

WHEREAS, The Loans (a) are to be payable from and secured by a pledge and assignment of, lien on, and security interest in, the administrative fees and rental payments due to the Housing Authority from all of its mutual help and rental housing units, and (b) will be guaranteed by a third party deposit agreement mutually agreeable to WIFA and the Housing Authority; and

WHEREAS, The Housing Authority Board of Commissioners approved of the Loans pursuant to Board Resolution No. 04-2019-10, dated April 18, 2019, including a limited waiver of sovereign immunity contained therein, and a subsequent Board Resolution No. 06-2019-012, dated June 26, 2019, that amended the prior Resolution by increasing the amounts of the Loans and increasing the number of housing units; and

Resolution No. 09-2019-198

WHEREAS, Board Resolution No. 04-2019-10 authorized, among other things, the incurrence of the obligations represented by the Loans and the execution and delivery by the Housing Authority of a Loan Agreement, a Promissory Note, a Cash Collateral Agreement, and a Pledge, Assignment, and Security Agreement for the Loan, and such other documents as required by WIFA in connection with each Loan (the “Loan Documents”); and

WHEREAS, the Loan Documents also require that the Tribe’s Utility Authority will operate and maintain the improvements as part of its utility infrastructure system in compliance with applicable laws and standards, and to make available records of the improvements funded through this transaction for inspection by WIFA representatives; and

WHEREAS, the Tribe, having previously delegated authority to the Housing Authority, pursuant to the Housing Code is not a party to the transaction, nor is it responsible or obligated under any term of the Loan Documents, but has nevertheless been requested by the Housing Authority to reply and endorse the proposed transaction; and

WHEREAS, the Tribal Council has reviewed the proposed loans and finds that their approval will help the Tribe provide badly needed additional housing infrastructure on the Fort Apache Indian Reservation and is in the best interests of the Tribe and its members.

NOW THEREFORE BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves and authorizes the Housing Authority to borrow up to \$1,181,601 from WIFA’s Clean Water Revolving Fund and up to \$1,321,949 from WIFA’s Drinking Water Revolving Fund in the manner set forth herein.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves and authorizes the Tribe’s Utility Authority to operate and maintain the improvements mentioned herein as part of its utility infrastructure system in compliance with applicable laws and standards, and to make available records of the improvements funded for inspection by WIFA representatives.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that nothing contained within this Resolution shall be deemed to waive the sovereign immunity of the White Mountain Apache Tribe for any purpose, nor to make the Tribe a party to the transaction, nor to assume any obligations under the Loan Documents, except for the authorization hereby provided to agree to and sign the Utility Operating Agreement.

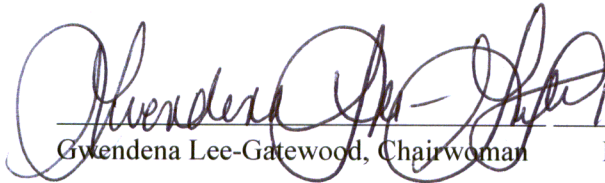
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

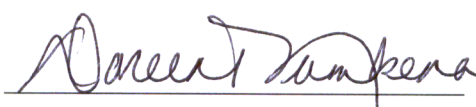
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

Resolution No. 09-2019-198

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 12, 2019 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).

 10.3.19
Gwendena Lee-Gatewood, Chairwoman Date

 10-3-19
Doreen T. Numkena, Tribal Secretary Date