



# WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

## **(Approving McNary Post Office Lease Agreement Between the Tribe and the United States Postal Service for a Term of 5-Years)**

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**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 or this constitution, with any municipality or any country, or with the State of Arizona or the United States... ”; and

**WHEREAS,** On May 27, 2010, via Resolution No. 05-2010-127, the Council approved a lease agreement of the McNary Post Office building to the United States Postal Service (“USPS”), for a term of 5 years, with a 5-year renewal option (“Current Lease”); and

**WHEREAS,** The Current Lease, as renewed, expires on June 30<sup>th</sup>, 2020; and

**WHEREAS,** Both parties to the Current Lease wish to enter into a new lease agreement, for which a proposed draft is attached and incorporated herein (“New Lease”); and

**WHEREAS,** McNary community members have voiced concerns about the lack of cleaning in the McNary Post Office, the New Lease Agreement clarifies that it is the USPS’ responsibility to maintain janitorial services; and

**WHEREAS,** The New Lease also increases the rental payments \$3,000.00 per annum to \$12,000.00, and carries a term of 5 years, with renewal options and rent adjustments until 2035; and

**WHEREAS,** The Council makes the declarations below to waive certain requirements under 25 CFR Part 162; and

**WHEREAS,** The Council has reviewed the New Lease and finds that its approval will allow USPS to continue to provide necessary services to McNary community members, and is in the best interests of the Tribe and its members.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the attached draft lease agreement between the Tribe and the United States Postal Service for the lease of the McNary Post Office building to the USPS is hereby approved, at the annual rental rate of \$12,000 per year, for a term of 5-years, to be reevaluated before subsequent renewal.

**Resolution No. 07-2020-142**

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it makes the following declaration 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 Part 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 Part 162.420, and the Tribe further states that accepting the negotiated compensation and waiving the valuation is in the Tribe's best interests;
3. The Tribe has determined that it is in the Tribe's best interests to not have compensation reviews and/or adjustments, as would otherwise be required under 25 CFR Part 162.428(a); and
4. The Tribe hereby requests the waiver of the requirements under 25 CFR Part 162.434 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.

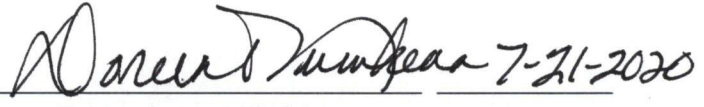
The foregoing resolution was on **JULY 1, 2020** duly adopted by a vote of **TEN** for, **ZERO** against, and **ZERO** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, 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).



Gwendena Lee-Gatewood, Chairwoman

7/21/2020

Date



Doreen T. Numkena, Tribal Secretary

Date