



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing Business Site Lease Revisions to Allow Demolition of the Apache Motel and Restaurant and Changes to Business Site Lease)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe of the Fort Apache Indian Reservation (“Constitution”) provides, at Article IV, Section 1(h) that the Tribal Council (“Council”) shall exercise the power “To regulate the uses and disposition of tribal property”; and
- WHEREAS,** Rainbow Treatment Center (“RTC”) is the White Mountain Apache Tribe’s residential and outpatient alcohol and substance abuse treatment program; and
- WHEREAS,** RTC currently holds the Whiteriver Motel site under a lease with the Tribe, most recently authorized under Tribal Council Resolution 06-2019-118, dated June 17, 2019, for a term expiring in 2029; and
- WHEREAS,** RTC had planned to refurbish and use the facility for a transitional housing program; and
- WHEREAS,** RTC obtained a professional assessment of the facility which disclosed significant environmental and structural concerns, such that the Tribe would be better served by the demolition of the current building and construction of a new facility; and
- WHEREAS,** RTC advises that if the project is no longer limited to the reuse of the existing structure, the site would better serve RTC program needs and the Tribe’s interests as a new conference center and restaurant facility; and
- WHEREAS,** The proposed conference center would have capacity for up to 250 people to service RTC program needs and other Tribal programs, when available; and
- WHEREAS,** The RTC Working To Wellness Program would operate the new restaurant to provide job skills training and strengthen sober living habits; and
- WHEREAS,** The restaurant program would retain all current restaurant staff in the new facility and provide service to the public, as currently offered, as well as banquet service for the conference center; and

Resolution No. 11-2021-237

WHEREAS, The Tribal Council finds that the proposal would facilitate key RTC program objectives and provide a valuable investment in Whiteriver's primary retail area; and

WHEREAS, RTC has solicited bids from architectural firms to complete the design work for the new facility and other pending projects, to be taken up by separate resolution; and

WHEREAS, RTC requests approval from the Tribal Council to modify the terms of the business site lease to permit the demolition of the existing motel and restaurant facility.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves modifications to the purpose and conditions of the business site lease to permit the demolition of the existing motel and restaurant for construction of a new facility to house RTC's conference center and the Restaurant program, with authorization for an amendment as may be necessary to the business site lease for that purpose.



BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the approval herein is for the change to the lease terms only, so that subsequent Tribal Council approval will be required prior to demolition or construction.

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 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 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 **NOVEMBER 10, 2021** 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).

 11.17.21  11-17-2021
Gwendena Lee-Gatewood, Chairwoman Date Doreen T. Numkena, Tribal Secretary Date