



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Allocating \$1.6 Million for Immediate Repayment of Part of the Outstanding Debt Owed to the White Mountain Apache Housing Authority)

WHEREAS, The Constitution of the White Mountain Apache Tribe ("Tribe") of the Fort Apache Indian Reservation provides, at Article IV, Section 1(l) that the Tribal Council ("Council") shall exercise the power, "To borrow money from any source..."; 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;

WHEREAS, On September 3, 2013, the Housing Authority executed a Loan (the "Loan") in the amount of \$5,037,500 (Five million thirty seven thousand five hundred dollars) (the "Loan Amount") to the Tribe for the purpose of supporting economic development and governmental programs and services; and

WHEREAS, Tribal Council Resolution No. 06-2013-137 authorized, among other things, the incurrence of the obligations represented by the promised Loan and the execution and delivery by the Tribe of a Loan Agreement (the "Original Loan Agreement"); and

WHEREAS, The Tribe and the Housing Authority have subsequently entered into two Modifications of the Original Loan Agreement, wherein the Tribe acknowledged and admitted that limited payments had been made by the Tribe for the Loan Amount, that the Tribe was in default under the terms of the Original Loan Agreement and had failed to cure after being given an opportunity to do so by the Housing Authority, and that the Tribe had requested a modification to the Original Loan Agreement after the Housing Authority sent notice of default; and

WHEREAS, The Tribe previously entered into these agreements with the Housing Authority, which remain in effect, and the Tribe remains in default under the terms of these previous

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agreements; the Tribe remains indebted to the Housing Authority under the Original Loan Agreement and the Modifications and all terms, conditions and rights remain in full force and effect; and

WHEREAS, The Housing Authority has sent correspondence via mail and e-mail to the Tribe requesting that the Tribe address the status of repayment of the Loan Amount and associated interest and fees; and

WHEREAS, Council appreciates the Housing Authority for assisting the Tribe with this Loan and for its patience and forbearance in negotiating these various modifications; and

WHEREAS, Council acknowledges that the amount loaned by the Housing Authority to the Tribe, plus accrued interest, must be repaid to the Housing Authority so that such funds may be used for their originally-intended purpose, which is to fund housing development and related activities to meet the dire need for housing on the Tribe's Reservation, and that the Tribe intends to honor its commitment to repay the Housing Authority all principal, interest and further debts under the agreements entered into with the Housing Authority; and

WHEREAS, For several years the Housing Authority has informed the Tribal Council that the Tribe's nonpayment could result in significant negative changes to the Housing Authority's audit, and now that the Tribe hasn't made a payment in over two years, the Housing Authority is requesting a more substantial, immediate payment of \$1.6 Million Dollars; and

WHEREAS, Council has determined that it is in the best interest of the Tribe to immediately pay the Housing Authority \$1.6 Million Dollars towards the principal owed on the Loan Amount, with repayment of the remaining full amount of principal and interest outstanding under the Original Loan Agreement and all modifications thereto, to be worked out through continuing discussions with the Housing Authority and pursuant to the schedule specified below.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves and authorizes the immediate payment of \$1.6 Million Dollars to the Housing Authority towards the principal owed on the Loan Amount with repayment of the remaining full outstanding amount of unpaid principal and interest owed by the White Mountain Apache Tribe to the White Mountain Apache Housing Authority under the Original Loan Agreement and any and all amendments and Modifications thereto, to be worked out through continuing discussions with the Housing Authority.

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BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that payment of the loan shall be made in accordance with the following payment schedule:

Date	Payment No.	Amount
2/28/22	1	\$1,692,500.00
3/31/22	2	\$185,625.00
4/30/22	3	\$185,138.89
5/31/22	4	\$184,652.78
6/30/22	5	\$184,166.67
7/31/22	6	\$183,680.56
8/31/22	7	\$183,194.44
9/30/22	8	\$182,708.33
10/31/22	9	\$182,222.22
11/30/22	10	\$181,736.11
12/31/22	11	\$181,250.00
1/31/23	12	\$180,763.89
2/28/23	13	\$180,277.78
3/31/23	14	\$179,791.67
4/30/23	15	\$179,305.56
5/31/23	16	\$178,819.44
6/30/23	17	\$178,333.33
7/31/23	18	\$177,847.22
8/31/23	19	\$177,361.11
9/30/23	20	\$78,125.00
Total		\$5,037,500

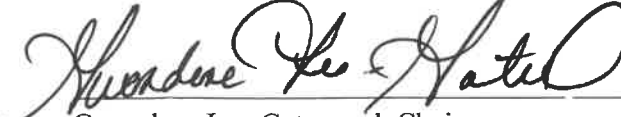
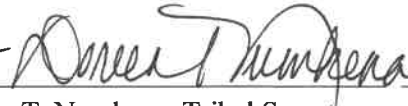
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution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

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The foregoing resolution was on **FEBRUARY 7, 2022** 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).

 2.15.22  2/15/2022
Gwendena Lee-Gatewood, Chairwoman Date Doreen T. Numkena, Tribal Secretary Date