



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing a COVID-19 Business Support Loan to Sunrise Park Resort Using ARPA Revenue Replacement Funds)

- WHEREAS,** Pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and
- WHEREAS,** The Tribe has received funding from the Coronavirus State Fiscal Recovery Fund (“FRF”) of the American Rescue Plan Act (“ARPA”) of 2021 to mitigate the fiscal effects stemming from the COVID-19 public health emergency; and
- WHEREAS,** ARPA provides that FRF monies may be used “for the provision of government services to the extent of the reduction in revenue of such ... Tribal government due to the COVID-19 public health emergency...,” 42 U.S.C. § 802(c)(1)(C); and
- WHEREAS,** The U.S. Department of the Treasury (“Treasury”) states in its *Coronavirus State and Local Fiscal Recovery Funds Final Rule: Frequently Asked Questions* (July 27, 2022) at Q. 3.2, that “[g]overnment services generally include any service traditionally provided by a government, unless Treasury has stated otherwise”; and
- WHEREAS,** A service traditionally provided by the Tribe is the provision of economic support, including loans, for Tribally owned businesses, which are key drivers of the Tribe’s economy, are integral to the employment of Tribal citizens and others, and generate revenues to fund essential government services provided by the Tribe; and
- WHEREAS,** The Sunrise Park Resort is a business that is wholly owned by the Tribe and that has been significantly negatively impacted by the COVID-19 public health emergency, and which provides tourism and hospitality services that Treasury has recognized as impacted industries; and
- WHEREAS,** The Sunrise Park Resort requires a business loan of \$3.8 million to complete necessary and planned repairs and renovations to the Sunrise Park Resort Hotel in order for it to remain a viable tourism and hospitality destination, attract visitors that contribute to the local economy, continue employment of Tribal citizens and others, and generate revenues to fund Tribal government services; and
- WHEREAS,** The Council finds it in the best interests of the Tribe to use its FRF revenue replacement monies to provide the government service of a COVID-19 Business Support Loan to the Sunrise Park Resort; and

Resolution No. 12-2022-288

WHEREAS, The COVID-19 Business Support Loan shall be governed by the terms, conditions, and repayment schedule in the attached COVID-19 Business Support Loan Agreement, and all amounts repaid to the Tribe shall be used for the provision of government services; and

WHEREAS, The Tribal Council finds it in the best interests of the Tribe and its members to approve the COVID-10 Business Support Loan to Sunrise Park Resort.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes and directs that \$3.8 million of the Tribe's ARPA FRF revenue replacement monies shall be used for the purpose of providing a \$3.8 million COVID-19 Business Support Loan to the Sunrise Park Resort for the sole purpose of completing necessary and planned repairs and renovations for the Sunrise Park Resort Hotel.

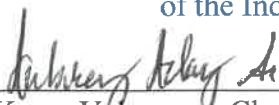
BE IT FURTHER RESOLVED, by the Tribal Council of the White Mountain Apache Tribe that the COVID-19 Business Support Loan shall be governed by the terms, conditions, and repayment schedule in the attached COVID-19 Business Support Loan Agreement.

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.

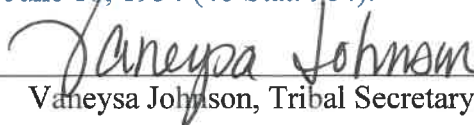
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

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 any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on **DECEMBER 7, 2022** 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).


Kasey Velasquez, Chairman
Acting Chairman

12/13/22
Date


Vaneysa Johnson, Tribal Secretary

12/13/2022
Date