



MOTION TO TABLE
RESOLUTION NO. SI-R17-046
BY COUNCIL ACCLAMATION
ON DECEMBER 20, 2017
RESOLUTION TABLED

Brm
12-21-17

**PUEBLO DE SAN ILDEFONSO
COUNCIL RESOLUTION NO. SI-R17-046**

**APPROVING AND AUTHORIZING THE ECONOMIC DEVELOPMENT LEASE
AGREEMENT WITH SAN ILDEFONSO SERVICES, LLC
FOR THE WHITE ROCK CONVENIENCE STORE**

At a duly called meeting of the Council of San Ildefonso Pueblo on the
20th day of December, 2017, the following Resolution was adopted:

WHEREAS, the Pueblo de San Ildefonso (“Pueblo”) is a sovereign and self-governing Tribe, recognized as such by the United States of America; and

WHEREAS, the sovereign authority of the Pueblo is vested in its Council and Governor; and

WHEREAS, the Pueblo de San Ildefonso previously enacted a law titled “Act to Transfer Ownership and Operation of C-Stores to San Ildefonso Services, LLC”; and

WHEREAS, a business lease is required for the White Rock Convenience Store, which is located on the Pueblo’s lands; and

WHEREAS, the Council has determined that it is prudent and in the best interest of the Pueblo to authorize the Governor of the Pueblo to negotiate and execute a business lease with San Ildefonso Services, LLC for the White Rock Convenience Store consistent with the attached “Act Authorizing the Economic Development Lease with San Ildefonso Services, LLC for the White Rock Convenience Store.”

NOW THEREFORE BE IT RESOLVED, that the Council hereby enacts the attached law entitled, “APPROVING AND AUTHORIZING THE ECONOMIC DEVELOPMENT LEASE AGREEMENT WITH SAN ILDEFONSO SERVICES, LLC FOR THE WHITE ROCK CONVENIENCE STORE.”

BE IT FINALLY RESOLVED, that the Pueblo de San Ildefonso Council hereby approves and adopts this resolution in accordance with the requirements of the Agreement, according to Council procedures, and authorizes and directs the Governor, or his designee, to take such actions as deemed necessary to carry out the intent of this resolution.

CERTIFICATION

The foregoing resolution was duly voted upon by the Council on December 20, 2017, at a meeting with a vote of _____ in favor, _____ opposed, _____ abstaining and _____ absent (Governor presiding and not voting) pursuant to the authority vested in the Council by the Agreement of the Pueblo de San Ildefonso.

Irene Tse-Pe, Council Secretary

COUNCIL REPRESENTATIVE SPONSOR(S):Council Representative M. Wayne Martinez

COUNCIL REPRESENTATIVE	YES	NO	ABSTAIN	ABSENT
Glenda Fred-Weahkee				
Terrence K. Garcia				
Thomas Gonzales				
Darryl Martinez				
M. Wayne Martinez				
Perry Martinez				
Tim Martinez				
Christopher Moquino				
Donald Pena				
Irene Tse-Pe				

DELIVERY OF THE RESOLUTION TO THE GOVERNOR:

Resolution No. SI-R17-046 was presented to the Governor of the Pueblo de San Ildefonso on the 20th day of December, 2017, pursuant to the Governing document of the Pueblo de San Ildefonso ("Agreement"), GOVERNOR, Sec. 4 (c), and will become effective after signature by the Governor or veto override by the Council.

Irene Tse-Pe, Council Secretary

GOVERNOR'S ACTION:

{ } APPROVED

{ } VETO - RETURNED TO COUNCIL WITH EXPLANATION:

On this _____ day of _____, 2017.

James R. Mountain, Governor

COUNCIL RESOLUTION NO. SI-R17-046

Presented by the Governor to the Council on the ____ day of _____, 2017.

COUNCIL'S ACTION:

Override of Governor's veto:

{ } YES

{ } NO

COUNCIL REPRESENTATIVE	YES	NO	ABSTAIN	ABSENT
Glenda Fred-Weahkee				
Terrence K. Garcia				
Thomas Gonzales				
Darryl Martinez				
M. Wayne Martinez				
Perry Martinez				
Tim Martinez				
Christopher Moquino				
Donald Pena				
Irene Tse-Pe				

CERTIFICATION

The foregoing resolution was duly voted upon by the Council on _____, 2017, at a meeting with a vote of _____ in favor, _____ opposed, _____ abstaining and _____ absent (Governor presiding and not voting) pursuant to the authority vested in the Council by the Agreement of the Pueblo de San Ildefonso.

Irene Tse-Pe, Council Secretary



PUEBLO DE SAN ILDEFONSO

**APPROVING AND AUTHORIZING THE
ECONOMIC DEVELOPMENT LEASE AGREEMENT
WITH SAN ILDEFONSO SERVICES, LLC FOR
THE WHITE ROCK CONVENIENCE STORE**

Section 1.1 Short Title

This enactment shall be known as the act, “APPROVING AND AUTHORIZING THE ECONOMIC DEVELOPMENT LEASE AGREEMENT WITH SAN ILDEFONSO SERVICES, LLC FOR THE WHITE ROCK CONVENIENCE STORE.”

Section 1.2 Definitions

- (a) “White Rock Convenience Store” means the White Rock Convenience Store and Gas Station located within the external boundaries of the Pueblo.
- (b) “SIS LLC” means San Ildefonso Services, LLC, a single member limited liability company organized under tribal law and wholly owned by the Pueblo.

Section 1.3 Purpose

The purpose of this Act is to authorize and direct the Governor of the Pueblo to negotiate and execute an Economic Development Lease with SIS LLC for the White Rock Convenience Store.

Section 1.4 Findings

The Council hereby finds and declares that:

- (a) SIS LLC is chartered under tribal law as a single member limited liability company wholly owned by the Pueblo.
- (b) On June 21, 2017, the Pueblo de San Ildefonso enacted a law entitled “Act to Transfer Ownership and Operation of C-Stores to San Ildefonso Services, LLC.”
- (c) To carry out the Act, San Ildefonso Services, LLC will need to obtain a business lease for the premises of the White Rock Convenience Store, which is located on the Pueblo’s lands.
- (d) Under Article VIII of its Articles of Organization, San Ildefonso Services LLC has authority to “buy, sell, lease and otherwise acquire and maintain buildings, offices, shops and other appurtenances proper and necessary for the carrying on of said business.”
- (e) A copy of the proposed Pueblo de San Ildefonso Economic Development Lease for the White Rock Convenience Store is attached to this Resolution (“Proposed Economic Development Lease” or “Proposed Lease”).

Section 1.5 Council Authorizations and Waivers

- (a) The Council has reviewed the proposed monetary compensation that must be paid under the Proposed Economic Development Lease and has determined the amount to be satisfactory to the Pueblo, and the Council hereby waives valuation that may otherwise be required under the Code of Federal Regulations, and has determined that accepting such negotiated compensation and waiving valuation is in the best interests of the Pueblo.
- (b) The Council has determined that it is in the Pueblo's best interest that no periodic review of the adequacy of compensation or adjustment be required for the Proposed Economic Development Lease.
- (c) The Council has determined that it is in the Pueblo's best interest to waive the requirement of a performance bond or an alternative form of security that may otherwise be required under the Code of Federal Regulations, and further requests that the Bureau of Indian Affairs, Department of the Interior, defer to the Council's express waiver of such bond or security.
- (d) The Council has determined that the Governor may execute said Economic Development Leases or any other certification required by federal or tribal law.

Section 1.6 Authority of Tribal Governor to Execute the Economic Development Lease

The Council hereby authorizes and directs the Governor of the Pueblo to negotiate and execute a final Economic Development Lease in substantially the same form as the attached Proposed Lease consistent with this Act, make any revisions and amendments that may be necessary and required to support the execution of a final Economic Development Lease, and execute any certification that may be required by federal or tribal law to support the execution of a final Economic Development Lease.