

**RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION**

- WHEREAS**, the White Mountain Apache Tribe sponsors the White Mountain Apache Tribe Retirement Savings and 401(k) Plan (the "Plan") in order to help employees save for retirement; and
- WHEREAS**, the Tribal Council of the White Mountain Apache Tribe, by prior action delegated certain duties to the White Mountain Apache Tribe Retirement Committee (the "Committee") to oversee the Plan and to make recommendations with regard to improvements to the Plan; and
- WHEREAS**, the Tribal Council of the White Mountain Apache Tribe, by Resolution Number 07-2001-212, authorized certain changes to the Plan, directed the Committee to work with legal counsel to enter into new service agreements with Wells Fargo Bank and to retain independent CPA's to assist in making sure all accounts are properly updated and prepared for transfer to the new recordkeeping system offered by Wells Fargo Bank; and
- WHEREAS**, the Tribal Council of the White Mountain Apache Tribe, by Resolution Number 07-2001-212, also authorized the Chairman to execute such amendments to the Plan and to work with legal counsel to obtain IRS approvals; and
- WHEREAS**, the Tribal Council of the White Mountain Apache Tribe, by Resolution Number 07-2001-212, also directed the Committee to report back to the Council as to the status of Plan changes and to present proposed Bylaws in order to more formalize the Committee structure; and
- WHEREAS**, the Committee has since finalized service agreements with Wells Fargo, worked on investment advisor agreements, processed transfers of all Plan accounts to Wells Fargo, retained a CPA firm to audit Plan records, and met several times to review Plan changes and to coordinate the new recordkeeping, investment and transfer options that will soon be available to all participants. The Bylaws project has been delayed for an additional 60-90 days pending the Committee's continued concentration on finalizing the Wells Fargo transition; and
- WHEREAS**, the Committee has also been informed by Wells Fargo and the CPAs that in order to best ensure accurate Plan accounting and in order to get all changes up and running properly for the upcoming year, that certain Plan features, including withdrawal activity, should remain frozen on a temporary basis until some time after the first of the year; and

WHEREAS, the Committee met on October 30, 2001 with legal counsel in order to consider the foregoing options, and voted to make certain additional recommendations to the Tribal Council in order to offer immediate distributions in time for end of year financial needs while at the same time preserving Plan accounts for the pending audits; and

WHEREAS, The Committee now recommends the following additional changes to the Plan in order to allow immediate distributions and in order to make certain other changes as recommended by the Committee in the course of their review:

- (1) Implement a procedure whereby participants may access contributions (within limits set by the Committee to ensure adequate security to the Plan and legal compliance) by way of advances until actual distributions can be processed following completion of the Wells Fargo transition (expected sometime after the first of the year). All such advances will be secured by assignments of the accounts upon which the advance is based.
- (2) Amend the Plan to better reflect traditional and cultural ties that are unique to the White Mountain Apache Tribe. The Plan currently contains several provisions mentioning "immediate family" but does not define that term. The Committee recommends adding a special procedure to allow participants to show traditional / cultural ties that establish family obligations beyond the employee's spouse, parents, siblings and children.
- (3) Clarify that service credit be processed under the Plan in a manner so that employees do not lose their service credit for matching purposes if they suffer a break in service.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Committee is directed to continue the tasks set forth in prior Resolution Number 07-2001-212 as supplemented herein and that the Committee shall report back to the Council during the first quarter of 2002 (or as soon thereafter as can be accommodated on the Council agenda) with draft Bylaws and a report as to progress on all remaining items.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the foregoing Plan changes regarding Plan advances, service crediting and traditional family relationships are hereby approved.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Tribal Chairman is hereby authorized and directed to execute amended and restated Plan and trust documents to reflect the foregoing, along with the IRS

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applications, powers, and schedules, as prepared by legal counsel, and as previously approved by Resolution Number 07-2001-212.

The foregoing resolution was on November 30, 2001 duly adopted by a vote of SIX for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (i) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


Chairman of the Tribal Council


Secretary of the Tribal Council