

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

*[Handwritten signature]*  
5/15/07

- WHEREAS,** the White Mountain Apache Tribe employs a range of law enforcement and firefighting personnel to protect the health, welfare, and safety of residents and visitors to the Fort Apache Indian Reservation; and
- WHEREAS,** the Tribe has actively supported the development of further expertise and professionalism of its public safety personnel, and it maintains a public safety workforce which holds credentials applicable for any law enforcement or public safety agency in the region; and
- WHEREAS,** many agencies, due to the hazardous and stressful conditions which certified public safety work entails, provide a specialized pension program to enable public safety personnel to retire with a guaranteed monthly benefit after completion of a mandatory minimum years of qualifying service; and
- WHEREAS,** Tribal representatives have developed a proposal for implementing a White Mountain Apache Tribe Public Safety Pension Plan applicable to all certified law enforcement, detention, game rangers, and firefighting personnel to allow participants a specified monthly benefit after 20 years of qualifying service, with retirement benefits payable on or after age 55, depending on retirement age and subject to adjustment in the benefit amount based upon salary and years of service; and
- WHEREAS,** the Tribal Council on this date has reviewed a framework for the proposed pension plan detailing all major elements of the proposal which provide a comprehensive retirement package to Tribal public safety personnel which is comparable to or better than retirement benefit plans offered by other public safety agencies in the region; and
- WHEREAS,** if implemented, the plan would be mandatory for all qualifying personnel, requiring a contribution of 5% of each personnel member's salary, and further would redirect Tribal funds allocated to the Tribe's 401(k) plan for each participating public safety member towards funding the new public safety pension plan, however, each public safety participant would retain all funds held in his or her 401(k) plan account, and would be able to continue to participate in and contribute to the 401(k) plan on a voluntary basis, in addition to the mandatory participation in the new public safety pension plan; and
- WHEREAS,** law enforcement personnel have received a briefing on the proposed plan, and they strongly support the proposal and they understand that the plan will enforce strict standards for participation, eligibility, and payment of benefits, which cannot be waived; and

**WHEREAS,** the proposal brought before the Tribal Council this date indicates the funding requirements for the proposed plan would require an additional annual commitment by the Tribe of approximately \$200,000.00 in order to fund all qualifying public safety positions within the Tribe, consisting of the certified police officers, certified detention officers, certified game rangers and certified firefighting personnel; and

**WHEREAS,** the Tribal Council recognizes the unique hazards placed upon this specialized and highly trained employee group who are called upon to make great personal sacrifices and subject themselves to high personal risks in order to maintain the safety, health and welfare of their communities; and

**WHEREAS,** the Tribal Council remembers with respect and sadness the late Officer Tenny Gatewood, who on December 9, 1999 gave his life in the line of duty as an officer of the White Mountain Apache Police Department; and

**WHEREAS,** the Tribal Council once again expresses appreciation for the service of the late Tenny Gatewood and concludes it would be fitting to honor his memory upon the adoption of a plan intended to secure the benefits for those who serve in the honorable public safety professions, and for that reason the Council directs that a retroactive benefit be made available to the family of the late Tenny Gatewood upon the implementation of the plan; and

**WHEREAS,** the plan would provide a death benefit to surviving family members for any officer killed in the line of duty, and for that reason the Council directs that Tribal representatives calculate and make recommendations for a benefit which would be appropriate under the circumstances for the late Tenny Gatewood's family as the final plan details and plan document are completed.

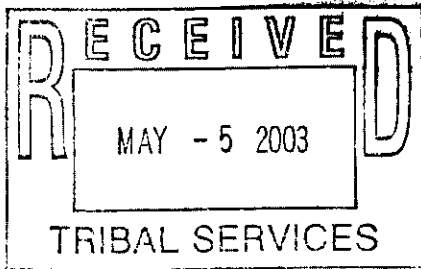
**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it commits Tribal funds for the proposed White Mountain Apache Tribe Public Safety Pension Plan and hereby approves final development of the pension plan as described herein with an annual funding amount of approximately \$200,000.00 as described according to the attached framework.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it directs that Tribal representatives, with the assistance of the Legal Department and pension attorney, to complete a plan document within the next thirty (30) days for final Council review and approval detailing the plan provisions described herein and in the attached framework.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Tribal Representatives, including representatives from the Police Department prepare a recommendation for the Council as discussed this date which will include a retroactive benefit for the family of the late Tenny Gatewood to be included as part of the adoption of the new White Mountain Apache Tribe Public Safety Pension Plan.

**Resolution No. 04-2003-122**

The foregoing resolution was on April 21, 2003 duly adopted by a vote of nine 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 (a), (b), (h), (i), (s), (t), and (u) 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).



*Frank J. Fulfiller*  
ACTING Chairman of the Tribal Council

*Gerlyn Burnett*  
ACTING Secretary of the Tribal Council