

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

**(Amending Resolution No. 01-2001-31 for Discretionary Payments
to the Permanent Trust Fund)**

WHEREAS, pursuant to 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, by Resolution Nos. 01-2001-31 and 04-91-113, the Tribe's general fund is required to transfer 5 percent of its revenues and net transfers from enterprise funds to the Permanent Trust Fund annually; and

WHEREAS, since 1996, economic conditions have prevented the general fund from funding these transfers, but they have been accrued as general fund liabilities and in the Permanent Trust Fund as amounts due from the general fund; and

WHEREAS, as of April 30, 2003 such accrued transfers totaled \$8,491,608, which creates a deficit between accounts; and

WHEREAS, because of the Tribe's continued financial hardship, the ability of the general fund to pay the accrued liability to the permanent trust fund is in doubt; and

WHEREAS, the 2004 transfer from the general fund to the permanent trust fund of \$1,250,649 has not been recorded; and

WHEREAS, the accrued transfers as of April 30, 2003 have been reinstated to the general fund, and such reinstatement is reported as a special item on the fund financial statements since it is both unusual and under the control of management; and

WHEREAS, the Tribal Council finds that the requirement for mandatory annual transfers to the Permanent Trust Fund should be changed to discretionary until such time as when economic conditions improve and the Council may direct that the general fund replenish the Permanent Trust Fund for the amounts required to be transferred by the prior Resolutions; and

WHEREAS, the Tribal Council further finds that the debt created from the absence of transfers should be dissolved.

NOW THEREFORE BE IT RESOLVED by the White Mountain Apache Tribal Council that annual transfers to the Permanent Fund shall hereby be discretionary, and the debt created from the absence of transfers shall be dissolved.

The foregoing resolution was on APRIL 25, 2005 adopted by a vote of EIGHT for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Sections 1 (a), (k), (s), (t) and (u) of the Constitution of the Tribe, ratified by the

Resolution No. 04-2005-121

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