



Resolution No. 08-2005-234

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

(Approving for Promissory Agreements Outside of and Secured by Future Distribution Rights Available Under the White Mountain Apache Tribe Retirement Savings and 401(k) Plan; and Directing the Pension Plan Committee to Recommend Whether to Amend the Plan to Permit Future Plan Loans)

WHEREAS, under the White Mountain Apache Tribe's Retirement Savings and 401(k) Plan (the "Plan"), an employee may withdraw pre-tax voluntary contribution funds for hardship; and

WHEREAS, the Plan has eight criteria for determining whether an employee faces a hardship; and

WHEREAS, it has come to the attention of the Council that members have faced hardships beyond those identified in the Plan and that voluntary contribution funds are insufficient to meet those needs; and

WHEREAS, the Council has been informed by the Director of Personnel that such hardships may be faced by a substantial number of employees; and

WHEREAS, options do exist under federal pension laws to permit loans from within Plan accounts upon satisfying certain requirements of the Internal Revenue Service; and

WHEREAS, under Section 9.2 of the Plan, certain loan arrangements funded or obligated outside of the Plan are permitted to be repaid with normal retirement distributions, provided that such obligations are secured with the approval of the Tribal Council, a written promissory note and consent of a spouse if applicable; and

WHEREAS, pending recommendations from the 401(k) Committee as to whether the Plan should be amended to adopt a loan program permitting loans originating from within the Plan, the Council now desires to approve a payroll advance of tribal funds secured by future distributions from the Plan limited to requests pending as of this date only with cessation of all future such requests until the issue is further studied by the 401(k) Committee.


BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that:

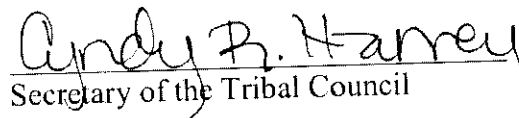
1. The 401(k) Committee is hereby directed to report to the Council within sixty days of this Resolution with formal recommendations with regard to whether the Plan should be amended to add an IRS compliant loan feature.

Resolution No. 08-2005-234

2. In the interim, a payroll advance of tribal funds outside of the Plan is hereby authorized to fund hardship requests pending as of this date only with cessation of all future such requests until the issue is further studied by the 401(k) Committee.
3. Any security interest with regard to future retirement distribution rights shall be in compliance with Section 9.2 of the Plan.
4. The Tribe's legal counsel shall prepare appropriate documents to authorize the above.
5. The Chairman, or in his absence the Vice-Chairman, is hereby authorized to execute any documents related to payroll advances authorized under this Resolution.

The foregoing resolution was on August 23, 2005, duly adopted by a vote of FIVE for, THREE against and ONE abstention by the Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (i), (k), (l), (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).


Chairman of the Tribal Council


Secretary of the Tribal Council