



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

(Proposed Amendment to Chapter Nine of the Government Code)

WHEREAS, pursuant to Article IV, 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, pursuant to Section 1.6 of the Government Code, the Code may be “amended by the adoption of ordinances by the Tribal Council”; and

WHEREAS, pursuant to Article XV, Section 2, of the Constitution of the White Mountain Apache Tribe, all proposed ordinances of the Council shall be posted in each district at least ten days before final action by the Council; and

WHEREAS, Ordinance No. 175 enacted Chapter Nine of the Government Code (October 3, 1991), which established the Permanent Trust Fund; and

WHEREAS, the Purpose of the Permanent Trust Fund is, *inter alia*, as follows:

“ . . .to establish a permanent and dependable source of revenue into the future to protect against loss of revenue as natural resources become significantly reduced or depleted and to enable the White Mountain Apache Tribe to become less dependent on outside sources for income;”
and

WHEREAS, Section 9.5(B) of the Government Code, Contribution Requirement requires in pertinent part as follows:

“Neither the principal of said fund nor the net investment income earned, including unrealized gains and losses on the investment securities or any other investments by said fund, shall be expended for a minimum of twenty (20) years after monies commence to accumulate therein, except for expenses associated with administration of the fund;” and

WHEREAS, Section 9.5(B) thus proscribes any expenditure of the Permanent Trust Fund until October 3, 2011; and

WHEREAS, the Investment Committee, together with the Budget and Finance Committee, this day reports that massive recessionary changes in the federal economy have reduced overall revenue to the Tribe, such that the Tribe cannot adequately meet its cash flow requirements, thus placing the financial welfare of the Tribe in jeopardy; and

WHEREAS, the Tribe's Treasurer further reports that the Fund has lost over \$844,000.00 in the value of its investments due to the federal economy this year alone; and

WHEREAS, in light of the loss of revenue to the Tribe, the Committees recommend an amendment of Chapter Nine of the Government Code, which would read as follows:

1. Section 9.5(B). Section 9.5(B) would be amended to change the sunset provision proscribing expenditure of the Permanent Trust Fund from October 3, 2011 to April 30, 2008 , which would read as follows:

“Neither the principal of said fund nor the net investment income earned, including unrealized gains and losses on the investment securities or any other investments by said fund, shall be expended until April 30, 2008, after monies commence to accumulate therein, except for expenses associated with administration of the fund.”

2. Section 9.6. Section 9.6 would be amended to add a new provision that shall allow for the pledging of the Permanent Trust Fund for the purpose of securing debt obligations of the Tribe as may be required from time to time. The new provision would be as follows:

“Section 9.6(C). Debt Obligations. The Permanent Trust Fund may be pledged, assigned, or otherwise used as security or collateral, in whole or in part, for credit or debt obligations extended to the Tribe as may be required from time to time. Any credit or debt obligation seeking to utilize the Permanent Trust Fund shall require the recommendation of the Tribe's Treasurer and review thereof by the Tribe's Investment Committee and the Budget and Finance Committee, and approval by the Tribal Council.”

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that an ordinance is hereby proposed amending the Government Code as follows:

1. Section 9.5(B). Section 9.5(B) shall be amended to change the sunset provision proscribing expenditure of the Permanent Trust Fund from October 3, 2011 to April 30, 2008 , which shall read as follows:

“Neither the principal of said fund nor the net investment income earned, including unrealized gains and losses on the investment securities or any other investments by said fund, shall be expended until April 30, 2008, after monies commence to accumulate therein, except for expenses associated with administration of the fund.”

2. Section 9.6. Section 9.6 shall be amended to add a new provision that shall allow for the pledging of the Permanent Trust Fund for the purpose of securing debt obligations of the Tribe as may be required from time to time. The new provision shall be as follows:

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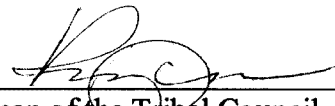
“Section 9.6(C). Debt Obligations. The Permanent Trust Fund may be pledged, assigned, or otherwise used as security or collateral, in whole or in part, for credit or debt obligations extended to the Tribe as may be required from time to time. Any credit or debt obligation seeking to utilize the Permanent Trust Fund shall require the recommendation of the Tribe’s Treasurer and review thereof by the Tribe’s Investment Committee and the Budget and Finance Committee, and approval by the Tribal Council.”

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

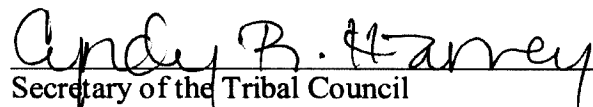
1. The Tribal Council Secretary is hereby directed to post the proposed ordinance amending the Government Code in each district at least ten days before final action by the Council. In addition, notices of the proposed ordinance shall be sent in the form of a press release to KNNB-FM and the Apache Scout.
2. The Investment Committee is hereby directed to schedule community meetings in each of the Districts to provide notice of this Resolution.
3. Upon completion of the ten day posting period for the amendment proposed herein, the Tribal Council Secretary is further directed to report any public comments to the Tribal Council, and schedule a meeting thereof for final action.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice Chairwoman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on April 28, 2008, duly adopted by a vote of SIX for and FOUR against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (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

PUBLIC NOTICE

By Resolution 04-2008-104, entitled "Proposed Amendment to Chapter Nine of the Government Code," the Tribal Council proposes to amend Chapter Nine of the White Mountain Apache Tribe's Government Code, as follows:

1. Section 9.5(B). Section 9.5(B) shall be amended to change the sunset provision proscribing expenditure of the Permanent Trust Fund from October 3, 2011 to April 30, 2008, which shall read as follows:

"Neither the principal of said fund nor the net investment income earned, including unrealized gains and losses on the investment securities or any other investments by said fund, shall be expended until April 30, 2008, after monies commence to accumulate therein, except for expenses associated with administration of the fund."

2. Section 9.6. Section 9.6 shall be amended to add a new provision that shall allow for the pledging of the Permanent Trust Fund for the purpose of securing debt obligations of the Tribe as may be required from time to time. The new provision shall be as follows:

"Section 9.6(C). Debt Obligations. The Permanent Trust Fund may be pledged, assigned, or otherwise used as security or collateral, in whole or in part, for credit or debt obligations extended to the Tribe as may be required from time to time. Any credit or debt obligation seeking to utilize the Permanent Trust Fund shall require the recommendation of the Tribe's Treasurer and review thereof by the Tribe's Investment Committee and the Budget and Finance Committee, and approval by the Tribal Council."

Chapter Nine of the Government Code is attached in its entirety for your review.

Any comments about the proposed amendment should be sent to:

Cyndy Harvey, Tribal Council Secretary, Post Office Box 700, Whiteriver, Arizona, 85941,

Or by facsimile to 928.338.1622,

Or by e-mail to charvey@wmat.us.

Please provide include your name, telephone number and address. The deadline for comments is Wednesday, May 8, 2008, at 5 p.m.