



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

(Authorizing Loan To Tribe From Permanent Trust Fund Interest On Behalf Of Health Plan)

- WHEREAS,** pursuant to Section 9.6(B) of the Government Code, Tribal Entities may secure loans from interest earned on the Permanent Trust Fund provided that the funds are not invested for the purposes as described in 9.6(A); and
- WHEREAS,** the White Mountain Apache Tribe ("Tribe") has outstanding debts related to claims arising under the employee health benefits plan; and
- WHEREAS,** among other reasons, the Wells Fargo Health Benefits Group was hired to help the Tribe negotiate, prioritize, and repay financial debts owed healthcare providers; and
- WHEREAS,** the Tribal Council agrees that a loan of \$1,000,000.00 from the Permanent Trust Fund would allow for payment to providers that have been patient and willing to work with the Tribe during these difficult financial times; and
- WHEREAS,** the loan will not resolve all claims, however, the Tribe is committed to paying off all outstanding financial obligations, with a priority made to satisfy all remaining debts to healthcare providers that have agreed to settle with the Tribe; and
- WHEREAS,** pursuant to the Government Code, Section 9.6(B), repayment of the loan must be made directly to the Permanent Trust Fund with interest charged at or near market rates, or 4.5 percent, whichever is greater; and
- WHEREAS,** in order to ensure that the Tribe meets its financial obligations moving forward, it has been recommended by the Tribal Leadership, Tribal Attorney's Office, and Business Office that the Tribe secure a loan of \$1,000,000.00 from the Permanent Trust Fund on behalf of the Health Benefits Plan ("Plan"); and
- WHEREAS,** Edwin Kane, Tribal Treasurer, has entered into preliminary discussions with Wells Fargo Bank in order to discuss the terms of an agreement, incorporated by reference, which would authorize the Tribe to borrow against the interest from the Permanent Trust Fund and lay out any additional requirements to satisfy the Bank's policies; and
- WHEREAS,** for the purposes of Section 9.6(B), the Tribal Council recognizes the Tribal Government as an "entity" securing the loan in furtherance of meeting the financial obligations owed by the Health Benefits Plan as described herein; and
- WHEREAS,** the Tribal Council finds it in the best interest of the Tribe to approve the loan of \$1,000,000.00 from interest earned on the Permanent Trust Fund on behalf of the Health Benefits Plan in order to meet the Tribe's financial obligations and to pay off outstanding health benefits debts to local medical providers.

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BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Tribe to secure a loan, pursuant to the provisions set forth in the Government Code, in the amount of \$1,000,000.00, for the purpose of paying down the Tribe's outstanding health benefits claims by borrowing against the interest earned on the Permanent Trust Fund.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that the loan shall be paid directly back into the Permanent Trust Fund, as required by Section 9.6 of the Government Code, on a monthly basis beginning ninety (90) days after receipt of the loan, for a term of 36 months at the prevailing market rate or 4.5 percent, whichever is greater.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs Wells Fargo Bank, as Trustee of the Permanent Trust Fund, to release one million (\$1,000,000.00) dollars in the form of a loan to the Tribe on behalf of the Health Benefits Plan for the purposes described herein.

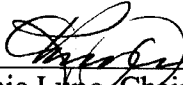
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Tribal Treasurer and the Tribal Attorney to submit any documentation required by Wells Fargo Bank, including the loan agreement, provided that the Tribal Chairman grants his final approval over the transaction.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that the repayment of this debt shall be subordinate to all other debts, however, the Tribe is fully committed to honoring all terms as negotiated and agreed upon between the Tribe and Wells Fargo Bank.


BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in the event of any inconsistency between this Resolution and any prior Resolution, Policy or Agreement, this Resolution shall govern.

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

The foregoing resolution was on **JUNE 22, 2011**, duly adopted by a vote of **SIX** for and **ZERO** 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), (i), (k), (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).



Ronnie Lupe, Chairman of the Tribal Council



Mariddie J. Craig, Secretary of the Tribal Council