



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

(Restructuring of Tribal Pension Committee)

WHEREAS, the White Mountain Apache Tribe, as a federally recognized Indian tribal government, with inherent rights of self governance, and pursuant to its Tribal Constitution, exercises rights of self determination through its elected Council, and enjoys a government-to-government relationship with the federal government of the United States; and

WHEREAS, the Tribal Council of the White Mountain Apache Tribe has retained the authority, powers and duties to establish and maintain programs to promote the health, welfare, and retirement security of its members and employees; and

WHEREAS, the Tribal Council of the White Mountain Apache Tribe has previously adopted the White Mountain Apache Tribe Retirement Savings and 401(k) Plan (the "Tribal Retirement Plan"), designed to protect and preserve sovereignty and government status under Internal Revenue Code Section 414(d) and Section 3(32) of the Employee Retirement Income Security Act to the fullest extent provided at law; and

WHEREAS, the Tribal Council of the White Mountain Apache Tribe has conditionally divided the Tribal Retirement Plan into the Governmental 401(k) Plan and the Enterprise 401(k) Plan in order to preserve government status following changes in law adding private sector requirements to certain tribal entities engaged in "commercial" activities under the Pension Protection Act ("PPA"), with such division contingent on its right to make further changes depending upon future guidance under the PPA and under an express reservation of rights to assert continued government status for even those entities currently covered under the enterprise plan structure, depending upon final guidance under the PPA and the tribe's right to consultation, coordination with tribal law, and waivers under Executive Order 13175; and

WHEREAS, the Tribal Council of the White Mountain Apache tribe has also previously adopted a Public Safety Pension Plan ("PSP") designed to protect and preserve sovereignty and governmental status under the Internal Revenue Code, ERISA and the PPA to the fullest provided at law; and

WHEREAS, the Tribal Council of the White Mountain Apache Tribe now desires to exercise its right to restructure and establish a single Tribal Pension Committee, consisting of the Chair, the Vice Chair, the Treasurer, and the Tribal Retirement Plan Director, to oversee each of the tribal retirement programs, and to establish an advisory committee for each plan with representatives of the various participation groups.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby restructures and establishes a single Tribal Pension Committee consisting of the Chair, the Vice Chair,

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the Treasurer, and the Tribal Retirement Plan Director to oversee the governmental 401(k), the enterprise 401(k) and the PSP, with authority to oversee, monitor and make changes to plan investments, to conduct RFPs and service provider reviews, to make all compliance changes required by law, and to make other changes necessary to maintain the plans or provide benefits consistent with existing and future Council direction.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Tribal Pension Committee shall report its activities to the Tribal Council and keep the Tribal Council informed of plan activities.

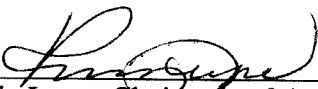
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Tribal Pension Committee must obtain approval from the Tribal Council of all substantive changes to the plan or trust documents and for all changes to service providers or plan vendors.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Tribal Council of the White Mountain Apache Tribe hereby authorizes the Tribal Pension Committee to establish a 401(k) advisory committee and a PSP advisory committee with representatives from the various participating groups designed to allow for proper monitoring and fiduciary compliance for each plan, and to obtain input from groups impacted by individual plan decisions.

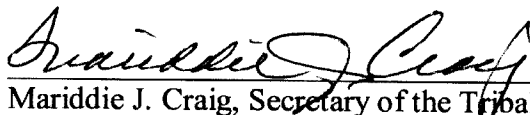
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall govern.

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 **JULY 8, 2011** duly adopted by a vote of **SIX** for and **ZERO** against and by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (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