



# **WHITE MOUNTAIN APACHE TRIBE**

**A Sovereign Tribal Nation**

## **(Approving the Posting of Ordinance No. 271, Amending Section 9.5(B) & (D) of the Government Code of the White Mountain Apache Tribe)**

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**WHEREAS,** pursuant to Article IV, Section 1(q) of the Tribal Constitution, the Tribal Council may enact ordinances that concern the welfare of the Tribe, to manage all economic affairs and enterprises of the Tribe, and to regulate subordinate organizations for economic and other purposes; and

**WHEREAS,** a proposed a revision to the Government Code, Section 9.5(B) & (D), as set forth in Ordinance No. 271 attached hereto, was presented to the Tribal Council for its consideration; and

**WHEREAS,** pursuant to Article XV of the Constitution of the White Mountain Apache Tribe, proposed amendments shall be posted in each district for at least ten (10) days before final action by the Council; and

**WHEREAS,** the Council has reviewed Ordinance No. 271 carefully, and considered the recommendations and the implications thereof in great detail and finds the posting of Ordinance No. 271 to be in the best interest of the Tribe.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that proposed Ordinance No. 271 attached hereto, which amends Section 9.5(B) & (D) of the Government Code, is hereby recommended for posting by the Tribal Council.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe, as follows:

1. The Tribal Council Secretary is hereby authorized and directed to post this resolution and Ordinance No. 271, in each district for at least ten (10) 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. Any and all comments concerning Ordinance No. 271 proposed herein may be sent to the attention of the Tribal Council Secretary, White Mountain Apache Tribe, P. O. Box 700, Whiteriver, AZ 85941.
3. Upon completion of the posting period, the Tribal Council Secretary is further directed to submit proof of posting to the Tribal Council as well as the Legal Department and to



**Resolution No. 08-2014-129**

Ordinance No. 271

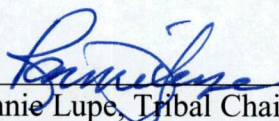
report any public comments to the Tribal Council, and schedule a meeting thereof for final action.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

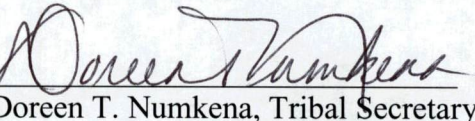
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

**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 **AUGUST 13, 2014** duly adopted by a vote of **EIGHT** for, **ONE** against, and **ONE** abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

  
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Ronnie Lupe, Tribal Chairman

8/14/14  
Date

  
\_\_\_\_\_  
Doreen T. Numkena, Tribal Secretary

8-14-2014  
Date



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

BE IT ENACTED BY THE COUNCIL OF THE WHITE MOUNTAIN APACHE TRIBE Ordinance No. 271, amending White Mountain Apache Government Code, Sections 9.4, 9.5 and 9.6 as follows:

**CHAPTER NINE  
PERMANENT TRUST FUND**

[NOTE: Chapter Nine is derived from Ordinance No. 175, enacted October 3, 1991; Ordinance No. 175, providing for the Permanent Trust Fund, was originally codified as Chapter Eight of the Government Code, however, due to a previous codification of Ordinance No. 163 as Chapter Eight of the Government Code, Ordinance No. 175 has been recodified as Chapter Nine; Chapter 9.5(B) and (C) were amended by Ordinance No. 233, enacted June 3, 2008; Chapter 9.6 was amended by Ordinance No. 235, enacted September 29, 2008; ~~and~~ Chapters 9.4(C), 9.5(A), (B), (C) & (D) and 9.6(B)(1) were amended by Ordinance No. 260, enacted May 16, 2013; and Section 9.5(B) & (D) were amended by Ordinance No. 271, enacted August , 2014.]

**SECTION 9.5      CONTRIBUTION REQUIREMENT**

B.      The funds transferred by the Treasurer of the Tribe to the Permanent Trust Fund shall be retained by the Tribe, invested by direction of the Tribal Council and accumulated for the future welfare of the Tribe. 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, 1996, except for expenses associated with administration of the fund; provided, however, that net investment income earned after such date, but not any net investment income earned prior to such date nor the monies contributed to said fund at any time by the Tribe, may be expended, except as set forth in Section 9.5(D). Thereafter, all income from the Permanent Trust Fund after adjustment for inflation may be expended, but only by Tribal Council Resolution, pursuant to an approved budget.

D.      Bond Financing or Refinancing Obligations. Net investment income earned after April 30, 1996, as well as the principal of the Permanent Trust Fund and the net investment income earned prior to April 30, 1996, including unrealized gains and losses on the investment securities or any other investments to said fund, may be pledged, assigned, or otherwise used as security or collateral, in whole or in part, for bond financing or refinancing, or other financing incurred for the purpose of repayment of other tribal indebtedness, or other line of credit in an amount not to exceed \$1,000,000, as may be required from time to time. Any bond financing, refinancing or line of credit increase seeking to utilize such principal, net investment income, or any other interest or investments of the Permanent Trust Fund shall require the recommendation of the Tribe's Treasurer and a 2/3 majority vote of those present at a Tribal Council meeting at which a



quorum is present. ~~NOTE: All provisions set forth above shall become effective May 16, 2013 and have a Sunset Date of June 1, 2014 after which time the provisions set forth in Sections 9.4 and 9.5(B) & (D) shall no longer be valid and shall automatically be removed from the Government Code.~~ NOTE: This Section is effective retroactively as of May 30, 2014.