



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing Amendment to the Public Safety Pension Plan)

- 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 a Public Safety Pension Plan (“PSP”) designed to protect and preserve sovereignty and governmental status under the Internal Revenue Code, ERISA, and the Pension Protection Act of 2006 to the fullest extent of the law; and
- WHEREAS,** the PSP, when initially established, called for future review by the Tribal Council of the ability of the Trust to fund death and disability benefits on par with those provided under the State of Arizona public safety officer plan; and
- WHEREAS,** the funding of the PSP is now sufficient to fund enhanced disability benefits for the employees who are disabled in the line of duty; and
- WHEREAS,** the PSP Board, the administrative body overseeing the operation of the PSP, requests that the Council amend the PSP to:
- Add a full, unreduced pension benefit for PSP Members who are totally and permanently disabled in the line of duty;
 - Provide a one-time, permanent 3% cost of living increase for PSP retirees;
 - Increase the membership of the PSP Board to include a retired PSP member; and
 - Document the PSP Board’s authority to hire an administrative assistant and other necessary service providers who will be compensated through the PSP; and
- WHEREAS,** legal counsel to the Tribe recommends that the PSP also be amended to clarify that Clarify that the compensation figure used to calculate pension benefits is a Member’s Social Security wages, as reported in Box 3 of the annual Form W-2; and
- WHEREAS,** legal counsel to the Tribe has prepared a proposed First Amendment to the PSP setting forth the terms of the requested and recommended amendments.

Resolution No. 04-2019-60


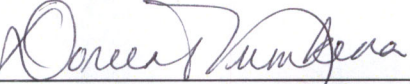
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves and adopts the First Amendment to the White Mountain Apache Tribe Public Safety Pension Plan, in the form presented to the Council this date and together with any necessary technical or legal revisions.

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 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 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 the Chairwoman, or in her 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 APRIL 10, 2019 duly adopted by a vote of ELEVEN for, ZERO against, and ZERO abstentions 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).

 5/6/19  5/6/2019
Gwendena Lee-Gatewood, Chairwoman Date Doreen T. Numkena, Tribal Secretary Date