



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

**(Approving Merrill Lynch as Investment Advisor for Fort Apache Settlement Fund)**

**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**, on December 14, 2004, the Tribal Council of the White Mountain Apache Tribe adopted Resolution No. 12-2004-292, approving a Plan For The Use and Distribution Of Judgment Funds ("Use Plan"), in U.S. Court of Federal Claims, No. 99-148L, entitled, *White Mountain Apache Tribe v. United States of America*; and

**WHEREAS**, the Tribal Council, pursuant to Resolution No. 05-2006-140, did request transfer of Judgment and Settlement Funds from Office of Special Trustee to the White Mountain Apache Tribe in accordance with the Use Plan; and

**WHEREAS**, Settlement Funds in the original sum of twelve million (\$12,000,000) dollars have been on deposit with the Office of the Special Trustee since June 2005, and have earned accrued interest resulting in approximately \$12.4 million in total funds available as of May, 2006; and

**WHEREAS**, the Use Plan requires establishment of a perpetual and permanent Fort Apache Preservation Fund ("Fund") for the repair, rehabilitation, maintenance, restoration and preservation of the Fort Apache Property, listed and described in Exhibit "A" of the Settlement Agreement between the Tribe and the United States in U.S. Court of Claims, No. 99-148L; and

**WHEREAS**, the Use Plan approved by the Tribe and the Secretary of the Interior provides that the Tribe shall control the Settlement Funds and use the principal and earnings from the Settlement Funds pursuant to the Use Plan; and further, the Tribe may withdraw the Settlement Funds from the Office of Special Trustee and transfer the Funds to the Tribe for investment by a SEC registered investment advisor selected by the Tribal Council; and

**WHEREAS**, the Office of the Special Trustee, after Congressional approval of the Use Plan for the Settlement Funds, and upon receipt of a Tribal Council resolution requesting transfer of the Settlement Funds to the Tribe's account, can transfer the Settlement Funds to an account managed by a SEC registered investment advisor selected by the Tribal Council; and

**WHEREAS**, the Budget and Finance Committee did issue a request for proposals ("RFP") to a pool of potential investment advisors who can invest and manage the Settlement Funds, from whom eight proposals were received; and

**WHEREAS**, of the eight proposals responding to the RFP, the Budget and Finance Committee selected three firms to present their proposals to the Tribal Council, which did occur at the Council's meeting of July 11, 2006; and

**Resolution No. 07-2006-252**

**WHEREAS**, the Budget and Finance Committee did determine that Merrill Lynch, and SEC licensed investment advisor, was the top candidate best suited to handle the Fort Apache Heritage Foundation Trust Account; and

**WHEREAS**, the Budget and Finance Committee has committed to the Tribal Council that it will work with the Investment Advisor to establish an overall Investment Policy for the Tribe, an asset allocation model, an investment education and training program, and a system for maintaining and reporting on the Tribe's investment portfolio; and

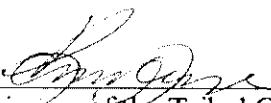
**WHEREAS**, the Tribal Council concurs with the Budget and Finance Committee and finds that the transfer of the Settlement Funds to an account managed by Merrill Lynch to be consistent with the Use Plan, and that such transfer is in the best interests of the preservation of Fort Apache and the best interests of the Tribe.

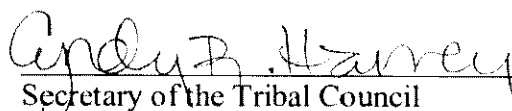
**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that:

1. Merrill Lynch is hereby approved to become the Tribe's Investment Advisor, for the purposes of managing and investing the Settlement Funds on behalf of the Tribe, and assisting with the development of appropriate policies and procedures for the Tribe's investment portfolio.
2. An agreement between Merrill Lynch and the Tribe for the purposes described herein is approved, subject to review by the Tribe's Legal Department.
3. The Treasurer is hereby directed to inform the Office of the Special Trustee of the selection of Merrill Lynch as provided herein.
4. The Budget and Finance Committee is directed to work with the Investment Advisor to establish an overall Investment Policy for the Tribe, an asset allocation model, and investment education and training program, and a system for maintaining and reporting on the Tribe's investment portfolio.

**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 July 20, 2006, duly adopted by a vote of NINE 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), (c), (h), (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).

  
\_\_\_\_\_  
Chairman of the Tribal Council

  
\_\_\_\_\_  
Secretary of the Tribal Council