



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

**(Approval to Post Proposed Amendment to Chapter 2.2 E.2. and F.3.  
of the Land Restoration Code)**

**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**, pursuant to Article XV, Section 2, of the Constitution of the White Mountain Apache Tribe, all proposed ordinances of the Council shall be posted in each district at least ten days before final action by the Council; and

**WHEREAS**, Ordinance No. 213 enacted on April 8, 1998 established the Land Restoration Code as well as the White Mountain Apache Land Restoration Fund ("the Fund"); and

**WHEREAS**, the purpose of the Fund is, *inter alia*, as follows:

“. . . to return tribal ecosystems to a condition that better reflects their condition prior to suffering damage from the mismanagement and to fund the education of Tribal members in disciplines related to natural resource management. It is the purpose of this Tribal Land Restoration Code (the Code) to implement Resolution No. 11-95-354"; and

**WHEREAS**, changes in our economic and investment markets have created a need for more diversification in the Land Restoration Fund portfolio; therefore, it is necessary to change the Land Restoration Code's investment policy to widen the acceptable credit quality of bond investments and permit a limited allocation to commodity investments; and

**WHEREAS**, the Land Restoration Board recommends an amendment of Chapter 2.2 of the Land Restoration Code, which would read as follows:

**SECTION 2.2 E.**

2. Debt quality ratings for securities purchases will ~~shall~~ be at least A AA rated by Standard & Poor's Corporation or A AA rated by Moody's Investor Service, Inc. Other, and Non-rated bonds must be determined to be of equivalent quality by the portfolio manager.

**SECTION 2.2 F.**

3. ~~The portfolio manager shall not purchase or sell commodities or commodity contracts.~~ The portfolio manager will not purchase or sell commodities or commodity contracts, but can invest in commodity based exchange traded funds (ETF's), so long as the risk is limited to the amount of the investment, and that the investment does not exceed five percent (5%) of the value of the portfolio; and

**WHEREAS**, the Tribal Council finds that the adoption of Ordinance No. 237 amending Chapter 2.2 of the Land Restoration Code would enable the Land Restoration Board to better manage and invest the assets of the Land Restoration Fund.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that proposed Ordinance 237 amending Chapter 2.2 E.3. and F.3. is hereby recommended for posting by the Tribal Council. The proposed amendments to the Land Restoration Code shall read as follows:

**SECTION 2.2 E.**

3. Debt quality ratings for securities purchases will be at least A rated by Standard & Poor's Corporation or A rated by Moody's Investor Service, Inc. Other, and non-rated bonds must be determined to be of equivalent quality by the portfolio manager.

**SECTION 2.2 F.**

3. The portfolio manager will not purchase or sell commodities or commodity contracts, but can invest in commodity based exchange traded funds (ETF's), so long as the risk is limited to the amount of the investment, and that the investment does not exceed five percent (5%) of the value of the portfolio.

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


1. The Tribal Council Secretary is hereby directed to post the proposed ordinance amending the Land Restoration Code in each district at least ten 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. The Investment Committee is hereby directed to schedule community meetings in each of the Districts to provide notice of this Resolution.
3. Upon completion of the ten day posting period for the amendment proposed herein, the Tribal Council Secretary is further directed to report any public comments to the Tribal Council, and schedule a meeting thereof for final action.

**Resolution No. 04-2009-115**  
**Ordinance No. 237**

**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 **April 28, 2009** duly adopted by a vote of **EIGHT** 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), (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).

  
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Chairman of the Tribal Council

  
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Secretary of the Tribal Council

**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. 237, amending White Mountain Apache Land Restoration Code, Sections 2.2 E.2. and F.3. as follows:

**SECTION 2.2 E.**

2. Debt quality ratings for securities purchases will be at least A rated by Standard & Poor's Corporation or A rated by Moody's Investor Service, Inc. Other, and non-rated bonds must be determined to be of equivalent quality by the portfolio manager.

**SECTION 2.2 F.**

3. The portfolio manager will not purchase or sell commodities or commodity contracts, but can invest in commodity based exchange traded funds (ETF's), so long as the risk is limited to the amount of the investment, and that the investment does not exceed five percent (5%) of the value of the portfolio.