



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

**(Authorizing an Amendment to the Tribe's 401(k) Plan to Eliminate all
Employer Regular Matching Contributions)**

WHEREAS, pursuant to Article IV, Section 1(a) and 1(s) 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, the Tribe is currently experiencing a financial hardship and must cut expenditures to maintain operations and meet debt obligations; and

WHEREAS, the Tribal Treasurer's Office has recommended that the Tribal Council authorize an amendment to the Tribe's 401(k) Plan to eliminate all employer regular matching contributions, effective as soon as possible; and

WHEREAS, Section 12.1 of the 401(k) Plan authorizes the White Mountain Apache Tribe "to modify, alter or amend this Plan, in whole or in part, prospectively or retroactively. . . provided further that the amendment shall not reduce any Participant's interest in the Plan, calculated as of the date on which the amendment is adopted."; and

WHEREAS, the White Mountain Apache Tribe having taken emergency actions to address an economic crises within the Tribe, now desires to amend the 401(k) Plan to permit elimination of Tribal contributions to the 401(k) Plan as of the first day of any month or pay period for which such change can reasonably be coordinated with payroll and the Plan service providers as applicable and consistent with 401(k) Plan Section 12.1; and

WHEREAS, the Tribal Council finds that it is in the best interest of the Tribe to authorize the amendment referenced herein.

BE IT RESOLVED by the Council of the White Mountain Apache Tribe that it hereby authorizes and directs the Chairman of the White Mountain Apache Tribal Council, in his official capacity and as an official act of the White Mountain Apache Tribe in furtherance of these resolutions, to execute an amendment to the 401(k) Plan eliminating all Tribal or Employer Contributions to the 401(k) Plan as of the earliest date reasonably possible in compliance with 401(k) Plan Section 12.1, with the ability of the Tribal Council to restart Tribal or Employer Contributions at a future date in the discretion of the Tribal Council by resolution without the need of further Plan amendment.

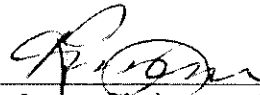
BE IT FURTHER RESOLVED by the Council of the White Mountain Apache Tribe that it hereby directs the Tribe's Human Resource Department to send all applicable notices required by law to the employees.

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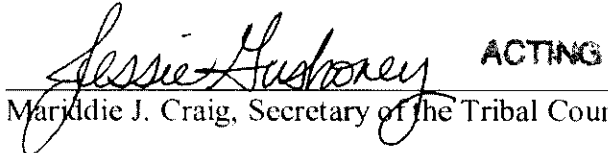
BE IT FURTHER RESOLVED by the Council of the White Mountain Apache Tribe that in the event of any inconsistency between this Resolution and any other Resolution or Policy, this Resolution shall govern, and any and all tribal policies and procedures are hereby amended for consistency herewith.

BE IT FURTHER RESOLVED by the 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 **JUNE 15, 2010** duly adopted by a vote of **EIGHT** for and **TWO** against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (i), (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



ACTING

Markidie J. Craig, Secretary of the Tribal Council