



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

**(Suspension of Six Month Lay-Off Rule for 2010 Reduction in Force Separations)**

- 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 White Mountain Apache Tribal Council has authorized the White Mountain Apache Tribal Pension Committee (the "Pension Committee") to act on its behalf with respect to certain administration duties under the White Mountain Apache Tribe Retirement Savings and 401(k) Retirement Plan (the "Plan"); and
- WHEREAS,** the Council would now like to assume these duties and dissolve the Pension Committee until such time that a new Committee is appointed; and
- WHEREAS,** Section 8.5(b) of the Plan provides that "Payments made at the request of a Participant (with spousal consent if married) on account of a Participant's termination shall be made within a reasonable time following the Participant's termination date, except that payments may be postponed until the next Valuation Date, at which time losses or earnings on the Trust Fund will be allocated to the Participant's accounts."; and
- WHEREAS,** the Pension Committee had previously approved an administrative policy, as reflected in the official Plan summary, to review lay-offs that last for six months or more for possible treatment as a "termination" for plan distribution purposes so long as there is no expectation of return and the distribution would satisfy the IRS "bona fide" distribution rules; and
- WHEREAS,** the White Mountain Apache Tribe, on June 16, 2010 through Resolution No. 06-2010-181 implemented a large scale reduction in force (the "2010 RIF"); and
- WHEREAS,** the Tribal Council has confirmed that employees impacted by the 2010 RIF are not being promised a return to work, and that the White Mountain Apache Tribe (the "Tribe") has no ability to predict when the crisis will end or when the Tribe will be able to again increase the size of its workforce; and
- WHEREAS,** the Tribal Council finds it in the best interest of the Tribe to allow Plan participants that have been subjected to the RIF to receive a termination distribution from their 401(k).
- BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby dissolves the Pension Committee and assumes the duties of the Pension Committee until such time that a new Pension Committee is appointed.

**Resolution No. 07-2010-194**

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby confirms that it has reviewed the facts and circumstances surrounding the current Tribal lay-offs under the 2010 RIF and has determined that such lay-offs, as a result of the economic downsizing effort of the Tribe in response to the current economic crisis, are to be considered bona-fide terminations for purposes of the Plan, Section 8.5, unless specific facts surrounding a particular lay-off indicate otherwise.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the regular Plan waiting period for distributions following a lay-off or other separation are hereby suspended with regard to employees impacted by the 2010 RIF as described above.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Tribal Council and the Health Benefits Office will continue to monitor the downsizing efforts to make sure that only bone-fide separations will qualify, and will reassess this position as the economic situation and/or Tribal policy changes.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that above policy changes will be administered uniformly for all participants who meet the above criteria.

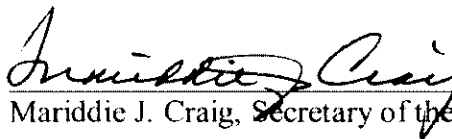
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that in the event of any inconsistency between this Resolution and any other Resolution or Policy, this Resolution shall govern, and any and all Tribal policies and procedures are hereby amended for consistency herewith.

**BE IT FURTHER RESOLVED** by the 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 **JULY 7, 2010** duly adopted by a vote of **TEN** 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), (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).



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Ronnie Lupe, Chairman of the Tribal Council



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Mariddie J. Craig, Secretary of the Tribal Council