



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Enactment of Ordinance No. 274, Amending Section 9.5(B) and (E) of the Government Code of the White Mountain Apache Tribe)

WHEREAS, the Tribal Council of the White Mountain Apache Tribe ("Tribe") is entrusted by the Tribe's Constitution, Article IV, Section 1(q) to act in all matters that concern the welfare of the Tribe, including but not limited to, the amendment of codes through the adoption of ordinances; and

WHEREAS, Ordinance No. 274 proposed changes to Section 9.5(B) and (E) of the Government Code; and

WHEREAS, on March 17, 2015 the Tribal Council authorized the posting of Ordinance No. 274, pursuant to Article XV of the Constitution of the White Mountain Apache Tribe and it was posted on March 17, 2015. Since that time, the Office of the Tribal Council Secretary has received no comments regarding the proposed changes; and

WHEREAS, the Council has reviewed Ordinance No. 274 carefully, and considered the recommendations and implications thereof in great detail and finds the adoption of the amendments to the Government Code, as set forth in Ordinance No. 274 to be in the best interest of the White Mountain Apache Tribe.

BE IT ENACTED by the Tribal Council of the White Mountain Apache Tribe that it hereby adopts Ordinance No. 274, attached hereto and incorporated by reference, which amends Section 9.5(B) and (E) of the Government Code.

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 it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, 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.

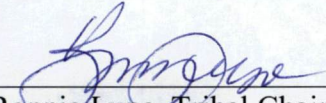
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on MARCH 30, 2015 duly adopted by a vote of NINE for, ZERO against, and ZERO abstentions by the Tribal Council of the

Resolution No. 03-2015-57

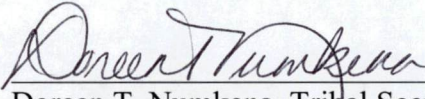
Ordinance No. 274

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).



Ronnie Lupe, Tribal Chairman

3/30/15
Date



Doreen T. Numkena, Tribal Secretary

3/30/2015
Date

**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. 274, amending White Mountain Apache Government Code, Sections 9.5(B) and (E) as follows:

**CHAPTER NINE
PERMANENT TRUST FUND**

[NOTE: Chapter Nine is derived from Ordinance No. 175, enacted October 3, 1991; Ordinance No. 175, providing for the Permanent Trust Fund, was originally codified as Chapter Eight of the Government Code, however, due to a previous codification of Ordinance No. 163 as Chapter Eight of the Government Code, Ordinance No. 175 has been recodified as Chapter Nine; Chapter 9.5(B) and (C) were amended by Ordinance No. 233, enacted June 3, 2008; Chapter 9.6 was amended by Ordinance No. 235, enacted September 29, 2008; Chapters 9.4(C), 9.5(A), (B), (C) & (D) and 9.6(B)(1) were amended by Ordinance No. 260, enacted May 16, 2013; ~~and~~ Section 9.5(B) & (D) were amended by Ordinance No. 271, enacted August 25, 2014; and Section 9.5(B) and (E) were amended by Ordinance No. 274, enacted March _____, 2015.]

SECTION 9.5 CONTRIBUTION REQUIREMENT

B. The funds transferred by the Treasurer of the Tribe to the Permanent Trust Fund shall be retained by the Tribe, invested by direction of the Tribal Council and accumulated for the future welfare of the Tribe. Neither the principal of said fund nor the net investment income earned, including unrealized gains and losses on the investment securities or any other investments by said fund, shall be expended until April 30, 1996, except for expenses associated with administration of the fund; provided, however, that net investment income earned after such date, but not any net investment income earned prior to such date nor the monies contributed to said fund at any time by the Tribe, may be expended, except as set forth in Section 9.5(D) **and Section 9.5(E)**. Thereafter, all income from the Permanent Trust Fund after adjustment for inflation may be expended, but only by Tribal Council Resolution, pursuant to an approved budget.

E. Emergency Withdrawals. Net investment income earned after April 30, 1996, as well as the principal of the Permanent Trust Fund and the net investment income earned prior to April 30, 1996, including unrealized gains and losses on the investment securities or any other investments to said fund, not including any collateralized funds being utilized for other purposes, may be withdrawn to meet the emergency needs of the Tribe, as determined by Tribal Council Resolution. "Emergency" is defined as any unforeseen event, condition or crisis which requires prompt action by the Tribal Council. Any withdrawal of monetary resources of the Permanent Trust Fund shall require the recommendation of the Tribe's Treasurer as well as a unanimous vote of the Tribal Council. Any funds withdrawn under this Section, as well as accumulated interest on

those funds at a rate of 4.5 percent (4½%) per annum, shall be repaid to the Permanent Trust Fund within ten (10) years after the withdrawal of such funds. **NOTE: All provisions set forth in Section 9.5(E) shall be subject to a Sunset Date of April 30, 2015, after which time the provisions set forth in Section 9.5(E) shall no longer be valid and shall automatically be stricken from the Government Code.**