

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving First Amendment to the 401(k) Retirement Plan)**

**RESOLUTION NO. 19-017**

1 **WHEREAS,** pursuant to Resolution No. 2000-453, the Tohono O'odham Legislative Council  
2 approved a 401(k) Retirement Plan (the "Plan") for employees of the Tohono  
3 O'odham Nation (the "Nation") and the Plan has been amended on multiple  
4 subsequent occasions; and

5 **WHEREAS,** the Plan was most recently amended and restated in its entirety effective January  
6 1, 2016; and

7 **WHEREAS,** by letter dated January 31, 2017, the Internal Revenue Service ("IRS") issued a  
8 favorable determination that the Plan document satisfies the qualification  
9 requirements under the Internal Revenue Code ("IRC"); and

10 **WHEREAS,** attached hereto is the proposed First Amendment to the Plan, which updates the  
11 Plan's hardship withdrawal provisions in accordance with recent legislative and  
12 regulatory changes; and

13 **WHEREAS,** the Human Resources Development Committee recommends adoption of the  
14 First Amendment to the Plan by the Legislative Council.

15 **NOW, THEREFORE, BE IT RESOLVED THAT:**

- 16 1. The Tohono O'odham Legislative Council adopts the First Amendment to the  
17 Plan, effective as of January 1, 2019, in the form attached hereto.
- 18 2. The Chairman of the Nation is authorized and directed to execute the amended  
19 and restated Plan documents on behalf of the Nation.

20 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08<sup>TH</sup>  
21 day of JANUARY, 2019 at a meeting at which a quorum was present with a vote of 3,084.6 FOR; -0-  
22 AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by  
23 Article VI, Section 2(a) of the Constitution of the Tohono O'odham Nation, adopted by the  
24 Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant  
25 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June  
26 18, 1934 (48 Stat.984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

  
Timothy Joaquin, Legislative Chairman

10 day of January, 2019

1 ATTEST:

2 *Evonne Wilson*  
3  
4 Evonne Wilson, Legislative Secretary

5 10 day of January, 2019  
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8 Said Resolution was submitted for approval to the office of the Chairman of the Tohono  
9 O'odham Nation on the 10 day of January, 2019 at 4:39 o'clock, P.m.,  
10 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become  
11 effective upon his approval or upon his failure to either approve or disapprove it within 48  
12 hours of submittal.  
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14 TOHONO O'ODHAM LEGISLATIVE COUNCIL

15 *Timothy Joaquin*  
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18 Timothy Joaquin, Legislative Chairman  
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23  APPROVED

on the 11 day of January, 2019

24  
25  DISAPPROVED

at 5:58 o'clock, P.m.

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27 *Edward D. Manuel*  
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29 EDWARD D. MANUEL, CHAIRMAN  
30 TOHONO O'ODHAM NATION  
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35 Returned to the Legislative Secretary on the 14<sup>th</sup> day of

36 January, 2019, at 9:32 o'clock, A.m.

37  
38 *Evonne Wilson*  
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41 Evonne Wilson, Legislative Secretary  
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ACTION: APPROVING FIRST AMENDMENT TO THE 401(K) RETIREMENT PLAN

MOVED: COUNCILWOMAN GLORIA RAMIREZ

SECOND: COUNCILMAN DANIEL L.A. PRESTON III

DATE: JANUARY 08, 2019

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 235.8	1. MARY LOPEZ ( )	117.9	X			
	2. LUCINDA ALLEN (Yolonda Garcia)	117.9	X			
SELLS 527.2	1. ARTHUR WILSON (Evelyn Juan Manuel)	263.6	X			
	2. ADRIANNE TILLER (Idaleen Reyes)	263.6	X			
SCHUK TOAK 185.7	1. ANTHONY J. FRANCISCO JR. (Teresa F. Donahue)	92.85	X			
	2. QUINTIN C. LOPEZ (Agnes V. Joaquin)	92.85	X			
SAN XAVIER 232.3	1. DANIEL L.A. PRESTON III (Felicia Nunez)	116.15	X			
	2. JANICE FELIX ( )	116.15	X			
SAN LUCY 231.1	1. JANA MONTANA (Diana Manuel)	115.55	X			
	2. GLORIA RAMIREZ (Lorraine Eiler)	115.55	X			
PISINEMO 225.9	1. CHESTER ANTONE (Caroline D. Garcia)	112.95	X			
	2. MONICA K. MORGAN ( )	112.95	X			
HICKIWAN 209.0	1. LOUIS R. LOPEZ (Shirley Molina)	104.5	X			
	2. SANDRA D. ORTEGA ( )	104.5	X			X
GU VO 256.9	1. GRACE MANUEL ( )	128.45	X			
	2. DALLAS LEWIS (Nacho Flores)	128.45	X			X
GU ACHI 270.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	135.45	X			
	2. LORETTA LEWIS (Victoria Hobbs)	135.45	X			
CHUKUT KUK 337.7	1. BILLMAN LOPEZ (Patricia Antone)	168.85	X			
	2. VIVIAN JUAN-SAUNDERS (Juanita Homer)	168.85	X			
BABOQUIVARI 372.1	1. FRANCES MIGUEL (Roberta E. Harvey)	186.05	X			
	2. LEANDER MASE (Francine Schooling)	186.05	X			
TOTAL		3,084.6	3,084.6	-0-	-0-	[02]