

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving 401(k) Pension Plan)**

**RESOLUTION NO. 2000-453**

- 1 **WHEREAS, pursuant to Resolution 341-90 (copy attached), the Tohono O'odham Legislative**  
2 **Council approved the establishment of a retirement plan for employees of the**  
3 **Tohono O'odham Nation administered through Principal Mutual, now known as The**  
4 **Principal Financial Group (the "Principal Plan"); and**
- 5 **WHEREAS, Section 1426(a) of the Small Business Job Protection Act of 1996, P.L. 104-188,**  
6 **extended eligibility to Indian nations to adopt pension plans under Section 401(k) of**  
7 **the Internal Revenue Code ("401(k) Plan"); and**
- 8 **WHEREAS, an ad hoc Pension Committee was established to assess whether to recommend a**  
9 **401(k) Plan for the Nation; and**
- 10 **WHEREAS, the Pension Committee includes representatives of the Executive, Legislative and**  
11 **Judicial Branches; and**
- 12 **WHEREAS, the Pension Committee has concluded its assessment of a 401(k) Plan, and has**  
13 **determined that such a Plan is significantly more beneficial to the Nation's**  
14 **employees than the Principal Plan and serves the interests of the Nation in the**  
15 **recruitment and retention of employees; and**
- 16 **WHEREAS, in the form attached, the key documents required to implement a 401(k) Plan have**  
17 **been prepared and reviewed by the Pension Committee, namely (1) the Tohono**  
18 **O'odham Nation 401(k) Retirement Plan Trust Agreement between the Nation and the**  
19 **Trustees (the "Trust Agreement") under which one representative from each Branch**  
20 **of the Nation's government will be designated by the head of such Branch to serve as**  
21 **a Trustee; (2) the Tohono O'odham Nation 401(k) Retirement Plan (the "Nation's**  
22 **401(k) Plan"), accompanied by a summary of such Plan; and (3) a Group Annuity**  
23 **Contract between ReliaStar Life Insurance Company ("ReliaStar") and the Trustees**  
24 **of the Nation's 401(k) Plan (the "Annuity Contract"); and**
- 25 **WHEREAS, the attached (1) Amendment Ceasing Future Contributions to the Tohono O'odham**  
26 **Nation Money Purchase Pension Plan, currently being administered by Principal (the**  
27 **"Principal Plan Amendment"), and (2) the Notice of Significant Reduction in Benefit**  
28 **Accruals under the Principal Plan (the "Employee Notice") are required to ensure the**  
29 **timely transfer of accounts under the Principal Plan to the Nation's 401(k) Plan and**

1                   to avoid any gaps in the Nation's contributions under the Principal Plan and the  
2                   Nation's 401(k) Plan; and

3 **WHEREAS, certain other documents are required to be completed or executed by the Nation to**  
4                   **implement the Nation's 401(k) Plan, including a Recordkeeping Services Agreement,**  
5                   **and Internet Services Addendum, between ReliaStar and the Nation (the**  
6                   **"Recordkeeping Agreement") (ReliaStar form attached).**

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

- 8                   1.   **The Tohono O'odham Legislative Council hereby approves the Trust Agreement,**  
9                   **the Nation's 401(k) Plan and the Annuity Contract.**
- 10                  2.   **The Legislative Council approves the Employee Notice.**
- 11                  3.   **The Legislative Council approves the Principal Plan Amendment, effective on the**  
12                  **last day of the payroll period ending prior to the "Initial Entry Date" (as those**  
13                  **terms are defined in the Nation's 401(k) Plan) which shall be a date no earlier**  
14                  **than 15 days after the date of the Employee Notice.**
- 15                  4.   **The Legislative Council authorizes the Chairman of the Nation, the Chairman of**  
16                  **the Legislative Council and the Chief Judge of the Judicial Branch to each**  
17                  **designate one Trustee (collectively the "Trustees").**
- 18                  5.   **The Trustees and the Chairman of the Nation are authorized to execute the Trust**  
19                  **Agreement and such other documents as may be required to implement the**  
20                  **Agreement.**
- 21                  6.   **The Chairman of the Nation is authorized to execute the Nation's 401(k) Plan and**  
22                  **such other documents as may be required to implement the Plan.**
- 23                  7.   **The Trustees are authorized to execute the Annuity Contract and such other**  
24                  **documents as may be required to implement the Contract.**
- 25                  8.   **The Chairman is authorized to issue the Employee Notice.**
- 26                  9.   **The Chairman is authorized to execute the Principal Plan Amendment and such**  
27                  **other documents as may be necessary to maintain the Principal Plan as a frozen**  
28                  **plan until the assets in the Principal Plan accounts can be transferred into, and**  
29                  **made a part of, the Nation's 401(k) Plan, subject to timing restrictions as may be**

1 advised for Internal Revenue Service compliance or for completion of proper  
2 recordkeeping procedures, after which the Nation's 401(k) Plan shall be the sole  
3 surviving retirement plan of the Nation.

4 10. The Chairman of the Nation is authorized to negotiate and execute the  
5 Recordkeeping Agreement and such documents as may be required to  
6 implement the Agreement.

7 11. The Chairman of the Nation is authorized to cause the submission of the 401(k)  
8 Plan and related documents to the Internal Revenue Service for approval.

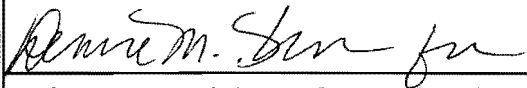
9 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 28TH Day  
10 of SEPTEMBER, 2000 at a meeting at which a quorum was present with a vote of 2,165.5 FOR; -0-  
11 AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by  
12 Section 1 (d)(2) of Article VI of the Constitution of the Tohono O'odham Nation, adopted by the  
13 Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant  
14 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June  
15 18, 1934 (48 Stat. 984).

16  
17 TOHONO O'ODHAM LEGISLATIVE COUNCIL

18  
19   
20 Dennis Ramon, Legislative Chairman

21  
22 3 day of October, 20 00

23  
24 ATTEST:

25   
26  
27 Julianna Saraficio, Acting Legislative Secretary

28  
29 28 day of September, 20 00.

30  
31 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham  
32 Nation on the 3 day of October, 20 00 at 12:41 o'clock, P.M.,  
33 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective  
34 upon his approval or upon his failure to either approve or disapprove it within 48 hours of  
35 submittal.

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37 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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41 Dennis Ramon, Legislative Chairman  
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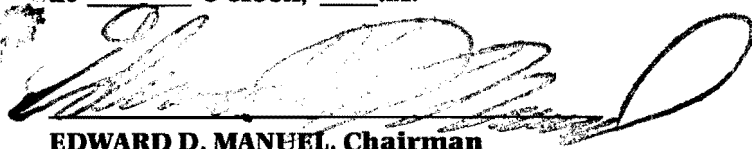
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APPROVED

on the 3<sup>rd</sup> day of October, 2000

DISAPPROVED

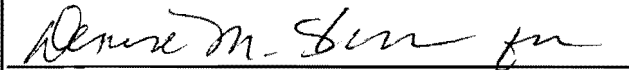
at 5:09 o'clock, P.M.



EDWARD D. MANUEL, Chairman  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 03 day of

October, 2000, at 5:35 o'clock, P.M.



Julianna Saraficio, Acting Legislative Secretary

ACTION: APPROVING 401(k) PENSION PLAN

MOVED: COUNCILWOMAN EVELYN JUAN

SECOND: COUNCILWOMAN RITA MARTINEZ

DATE: SEPTEMBER 28, 2000

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 171.8	1. MARY ANN ANTONE (Darlene Andrew)	85.9	X			
	2. RITA MARTINEZ (Nicholas Jose)	85.9	X			
SELLS 372.7	1. DENNIS E. JOSE ( )	186.35	X			
	2. EVELYN JUAN ( )	186.35	X			
SCHUK TOAK 133.4	1. MARY FLORES** ( )	66.7	X			
	2. AMBROSE ENCINAS ( )	66.7	X			
SAN XAVIER 165.9	1. TONY BURRELL ( )	82.95	X			
	2. DENNIS RAMON ( )	82.95	X			
BABOQUIVARI 286.5	1. FRANCES MIGUEL ( )	143.25	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	143.25	X			X
GU ACHI 209.6	1. CAMILLUS LOPEZ (Louis Johnson)	104.8	X			
	2. ALEX J. RAMON ( )	104.8	X			
PISINEMO 156.8	1. BARBARA SALVICIO (Alex Antone)	78.4	X			
	2. JOHNSON JOSE ( )	78.4	X			X
SAN LUCY 128.1	1. ALBERT MANUEL, JR. ( )	64.05	X			
	2. GLORIA RAMIREZ ( )	64.05	X			
GU VO 160.0	1. FERN SALCIDO ( )	80.0	X			
	2. GLORIA MONTANA (Phillip Antone)	80.0	X			
HICKIWAN 158.1	1. SHIRLEY MOLINA ( )	79.05	X			
	2. LLOYD FRANCISCO (Susan Sam)	79.05	X			
CHUKUT KUK 222.6	1. KENNETH WILLIAMS ( )	111.3	X			
	2. DAVID GARCIA (Mary Audrey Juan)	111.3	X			
<b>TOTAL</b>		<b>2,165.5</b>	<b>2,165.5</b>	<b>-0-</b>	<b>-0-</b>	<b>[02]</b>

\*\*PASSED VOTES