

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the Fourth Amendment to the 401(k) Pension Plan)

RESOLUTION NO. 05-617

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 O'odham**
3 **Nation (the "Nation"); and**

4 **WHEREAS, on June 15, 2001, the Internal Revenue Service ("IRS") received the Plan which was**
5 **submitted by the Nation for a determination that the Plan qualifies under Section**
6 **401(a) of the Internal Revenue Code ("IRC") and is entitled to favorable tax under the**
7 **IRC ("qualified plan"); and**

8 **WHEREAS, by letter dated October 29, 2001, the Internal Revenue Service ("IRS") issued a**
9 **favorable determination that the Plan document satisfies the qualification**
10 **requirements under the Internal Revenue Code ("IRC"); and**

11 **WHEREAS, the Plan has been amended on three subsequent occasions; and**

12 **WHEREAS, attached hereto is a proposed amendment to the Plan (the "Fourth Amendment")**
13 **which incorporates certain changes that are required to maintain the Plan's**
14 **compliance with changes in the law; and**

15 **WHEREAS, the Human Resources Development Committee and the Budget & Finance Committee**
16 **recommend adoption of the Fourth Amendment by the Legislative Council.**

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

- 18 **1. The Tohono O'odham Legislative Council adopts the Fourth Amendment to the**
19 **Tohono O'odham Nation 401(k) Retirement Plan, in the form attached hereto.**
- 20 **2. The Chairwoman of the Nation is authorized and directed to execute the Fourth**
21 **Amendment by signing any documents required prior to December 31, 2005.**

22 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11th Day**
23 **of OCTOBER, 2005 at a meeting at which a quorum was present with a vote of 2,101.6 FOR; -0-**
24 **AGAINST; -0- NOT VOTING; and 339.2 [10] ABSENT, pursuant to the powers vested in the Council by**
25 **Article IV, Section 2 (a) of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**
26 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
27 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
28 **Stat. 984).**

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Evelyn B. Juan Manuel, Legislative Chairwoman

19th day of October, 2005

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ATTEST:

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

19th day of October, 2005.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 19th day of October, 2005 at 11:14 o'clock, A.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Evelyn B. Juan Manuel
Evelyn B. Juan Manuel, Legislative Chairwoman

APPROVED

on the 20 day of October, 2005

DISAPPROVED

at 9:30 o'clock, a.M.

Vivian Juan-Saunders
VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 20th day of
October, 2005, at 8:42 o'clock, A.M.

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING THE FOURTH AMENDMENT TO THE 401(K) PENSION PLAN

MOVED: COUNCILMAN DENNIS JOSE

SECOND: COUNCILWOMAN FELICIA NUNEZ

DATE: SEPTEMBER 12, 2005

| DISTRICT | LEGISLATIVE REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|----------------------|--|-----------------|-----------------|------------|------------|-------------|
| BABOQUIVARI 310.8 | 1. FRANCES MIGUEL () | 155.40 | X | | | |
| | 2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris)) | 155.40 | X | | | |
| CHUKUT KUK 258.7 | 1. ETHEL GARCIA () | 129.35 | X | | | |
| | 2. VERLON M. JOSE (David Garcia) | 129.35 | X | | | X |
| GU ACHI 221.6 | 1. TIMOTHY L. JOAQUIN (Jonas Robles) | 110.80 | X | | | |
| | 2. CYNTHIA E. MANUEL (Louis L. Johnson) | 110.80 | X | | | |
| GU VO 193.1 | 1. RAYMOND VICTOR () | 96.55 | X | | | |
| | 2. MICHAEL FLORES (Grace Manuel) | 96.55 | X | | | |
| HICKIWAN 167.4 | 1. DELMA GARCIA (Mary E. Sam) | 83.70 | X | | | |
| | 2. SANDRA ORTEGA () | 83.70 | X | | | |
| PISINEMO 171.8 | 1. BARBARA SALVICIO () | 85.90 | X | | | |
| | 2. GERALD FAYUANT () | 85.90 | X | | | |
| SAN LUCY 169.0 | 1. JOHN W. LAWSON, SR. () | 84.50 | X | | | X |
| | 2. GLORIA RAMIREZ () | 84.50 | X | | | |
| SAN XAVIER 193.8 | 1. FELICIA NUÑEZ () | 96.90 | X | | | |
| | 2. OLIVIA VILLEGAS-LISTON () | 96.90 | X | | | |
| SCHUK TOAK 146.9 | 1. FRANCES B. CONDE () | 73.45 | X | | | |
| | 2. PHYLLIS JUAN () | 73.45 | X | | | |
| SELLS 421.0 | 1. DENNIS E. JOSE () | 210.50 | X | | | |
| | 2. EVELYN B. JUAN MANUEL () | 210.50 | X | | | |
| SIF OIDAK 186.7 | 1. WVALENE SAUNDERS (Isidro Lopez) | 93.35 | X | | | |
| | 2. DARLENE ANDREW (Rita Martinez) | 93.35 | X | | | |
| TOTAL | | 2,440.80 | 2,440.80 | -0- | -0- | [02] |

**PASSED VOTES