

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Fifth Amendment to Tohono O'odham Nation 401(k) Retirement Plan)

RESOLUTION NO. 06-495

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 four subsequent occasions; and**

12 **WHEREAS, pursuant to Resolution No. 06-084, the Tohono O'odham Legislative Council approved**
13 **the Nation's participation in the State of Arizona's Public Safety Retirement System**
14 **(the "PSPRS") and directed the Trustees of the Plan to adopt an amendment to the Plan**
15 **coordinating the eligibility of the Plan with the Nation's participation in the PSPRS;**
16 **and**

17 **WHEREAS, attached hereto is the Fifth Amendment to the Plan, which provides that employer**
18 **sponsored retirement benefits for employees participating in both the Plan and the**
19 **PSPRS shall be provided through the PSPRS; and**

20 **WHEREAS, the Human Resources Development Committee and the Budget & Finance Committee**
21 **recommends adoption of the Fifth Amendment by the Legislative Council.**

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

- 23 1. **The Tohono O'odham Legislative Council adopts the Fifth Amendment to the**
24 **Tohono O'odham Nation 401(k) Retirement Plan, in the form attached hereto.**
25 2. **The Chairwoman of the Nation is authorized and directed to execute the Fifth**
26 **Amendment.**

27 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 18TH Day**
28 **of JULY, 2006 at a meeting at which a quorum was present with a vote of 1,101.8 FOR; 829.3**
29 **AGAINST; 509.7 NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by**
30 **Section 1(d)(2) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the**
31 **Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
32 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
33 **18, 1934 (48 Stat. 984).**

34

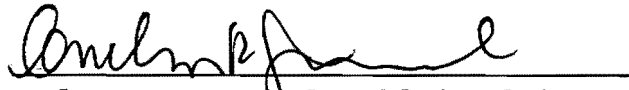
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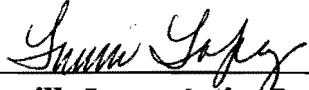
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Evelyn B. Juan Mangel, Legislative Chairwoman

21st day of July, 2006

ATTEST:

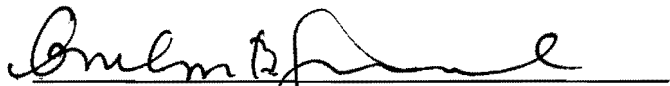


Lucille Lopez, Acting Legislative Secretary

18 day of July, 2006.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 21st day of July, 2006 at 2:34 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL



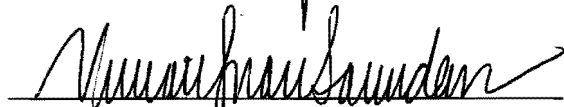
Evelyn B. Juan Manuel, Legislative Chairwoman

APPROVED

on the 21 day of July, 2006

DISAPPROVED


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



**VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 24 day of

July, 2006, at 9:36 o'clock, A.M.



Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING FIFTH AMENDMENT TO TOHONO O'ODHAM NATION 401(K) RETIREMENT PLAN

MOVED: COUNCILMAN GERALD FAYUANT

SECOND: COUNCILWOMAN SANDRA ORTEGA

DATE: JULY 18, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL (Vernon J. Smith)	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			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	
	2. GLORIA RAMIREZ ()	84.50			X	X
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90			X	X
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90			X	
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45			X	
	2. PHYLLIS JUAN ()	73.45			X	
SELLS 421.0	1. MARLENE SARAFICIO-JUAN** ()	210.50		X		
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50		X		
SIF OIDAK 186.7	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35		X		X
	2. DARLENE ANDREW (Rita Martinez)	93.35		X		
TOTAL		2,440.80	1,101.8	829.3	509.7	[05]

**PASSED VOTES