

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

RESOLUTION NO. 08-725

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

7 **WHEREAS, the Plan has been amended on five subsequent occasions; and**

8 **WHEREAS, attached hereto is the amended and restated version of the Plan and the related Trust**
9 **Agreement, which updates the Plan documents to incorporate the prior**
10 **amendments, to make required compliance changes and to make certain design**
11 **changes recommended by the Plan Administrator and the Trustees; and**

12 **WHEREAS, Yoder & Langford, P.C., independent legal counsel to the Nation, has recommended**
13 **that the amended and restated Plan be submitted to the IRS for an updated**
14 **determination letter in accordance with the IRS' procedures for governmental**
15 **retirement plans; and**

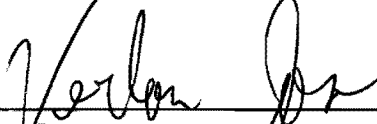
16 **WHEREAS, the Human Resources Development Committee and the Budget & Finance Committee**
17 **recommend adoption of the amended and restated Plan and Trust Agreement by the**
18 **Legislative Council.**

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

- 20 **1. The Tohono O'odham Legislative Council adopts the amended and restated**
21 **Tohono O'odham Nation 401(k) Retirement Plan, effective as of January 1, 2008,**
22 **substantially in the form attached hereto.**
- 23 **2. The Tohono O'odham Legislative Council ratifies and confirms the continuing**
24 **participation of the Archie Hendricks Senior Skilled Nursing Facility and the**
25 **Tohono O'odham Community College in the Plan as authorized Adopting**
26 **Employers.**
- 27 **3. The Tohono O'odham Legislative Council authorizes the submission of the**
28 **amended and restated Plan to the IRS for a determination letter.**
- 29 **4. The Chairman of the Nation is authorized and directed to execute the amended**
30 **and restated Plan documents, as well as any and all application materials**
31 **required in connection with the IRS application for a determination letter, on**
32 **behalf of the Nation.**

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 23RD. Day of DECEMBER, 2008 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0- AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Section 1 (d)(2) and (j) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Verlon M. Jose, Legislative Chairman
31 day of December, 2008

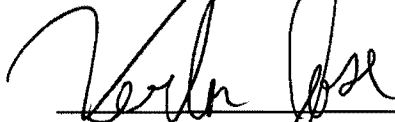
ATTEST:


Lucille Lopez, Acting Legislative Secretary

23 day of December, 2008.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 31 day of December, 2008 at 1:18 o'clock, P.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

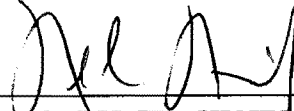

Verlon M. Jose, Legislative Chairman

APPROVED

on the 05 day of January, 2008⁹

DISAPPROVED

at 4:55 o'clock, P.M.


NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

RESOLUTION NO. 08-725

(Approving Restatement of 401(k) Retirement Plan)

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Returned to the Legislative Secretary on the 05 day of

January, 2008, at 5:00 o'clock, P.M.

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING RESTATEMENT OF 401(K) RETIREMENT PLAN

MOVED: COUNCILMAN TIMOTHY JOAQUIN

SECOND: COUNCILWOMAN OLIVIA VILLEGAS-LISTON

DATE: DECEMBER 23, 2008

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (Vernon Smith)	158.45	X			
CHUKUT KUK 264.8	1. ETHEL GARCIA ()	132.40	X			
	2. VERLON M. JOSE ()	132.40	X			
GU ACHI 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ()	113.95	X			X
GU VO 199.2	1. GRACE MANUEL ()	99.60	X			
	2. RAYMOND VICTOR ()	99.60	X			X
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00	X			
	2. SANDRA ORTEGA ()	86.00	X			
PISINEMO 182.4	1. CHESTER ANTONE (Tony Murrietta)	91.20	X			
	2. GERALD FAYUANT ()	91.20	X			
SAN LUCY 181.1	1. LORRAINE EILER ()	90.55	X			X
	2. GLORIA RAMIREZ ()	90.55	X			
SAN XAVIER 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			
SCHUK TOAK 154.6	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
SELLS 444.7	1. KIMBERLY LISTO ()	222.35	X			
	2. EVELYN B. JUAN MANUEL ()	222.35	X			
SIF OIDAK 194.4	1. WAVALENE ROMERO ()	97.20	X			
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	2,534.5	-0-	-0-	[03]

**PASSED VOTES