

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approves Amendment #1 to the 401(k) Retirement Plan)

RESOLUTION NO. 09-658

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 ("IRC"); and**

7 **WHEREAS, the Plan was amended and restated in its entirety effective January 1, 2008; and**

8 **WHEREAS, attached hereto approves Amendment #1 to the 401(k) Retirement Plan, which**
9 **updates the Plan document to make required compliance changes and to make**
10 **certain minor design changes and clarifications in connection with the transition to**
11 **Wells Fargo Bank, as recommended by Yoder & Langford, P.C., independent legal**
12 **counsel to the Nation; and**

13 **WHEREAS, the Human Resources Development Committee approves Amendment #1 to the 401(k)**
14 **Retirement Plan by the Legislative Council.**

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

- 16 **1. The Tohono O'odham Legislative Council adopts the Amendment #1 to the 401(k)**
17 **Retirement Plan, effective as of January 1, 2008, in the form attached hereto.**
- 18 **2. The Chairman of the Nation is authorized and directed to execute the First**
19 **Amendment to the Plan on behalf of the Nation.**

20 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 22ND. Day**
21 **of DECEMBER, 2009 at a meeting at which a quorum was present with a vote of 2,390.80 FOR; -0-**
22 **AGAINST; -0- NOT VOTING; and 204.70[05] ABSENT, pursuant to the powers vested in the Council**
23 **by 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


Verlon M. Jose, Legislative Chairman

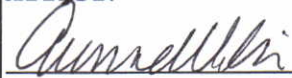
30 day of January, 2009

RESOLUTION NO. 09-658

(Approves Amendment #1 to the 401(k) Retirement Plan)

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1 **ATTEST:**

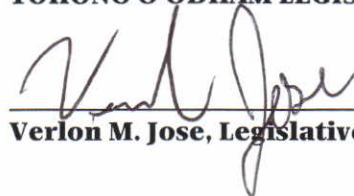
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4 **Evonne Wilson, Legislative Secretary**

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6 22 day of December, 2009.

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8 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham**
9 **Nation on the 30 day of December, 2009 at 12:33 o'clock, P.M.,**
10 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
11 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
12 **submittal.**

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14 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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18 **Verlon M. Jose, Legislative Chairman**

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23 **APPROVED** on the 30 day of December, 2009

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25 **DISAPPROVED** at 1:33 o'clock, P.M.

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29 **NED NORRIS, JR., CHAIRMAN**
30 **TOHONO O'ODHAM NATION**

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35 **Returned to the Legislative Secretary on the 30 day of**

36 December, 2009, at 3:04 o'clock, P.M.

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41 **Evonne Wilson, Legislative Secretary**

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ACTION: APPROVES AMENDMENT #1 TO THE 401(K) RETIREMENT PLAN

MOVED: COUNCILMAN TIMOTHY JOAQUIN

SECOND: COUNCILWOMAN SANDRA ORTEGA

DATE: DECEMBER 22, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF ODAK 198.7	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			X
	2. MARY LOPEZ ()	99.35	X			
SELLS 449.6	1. KIMBERLY LISTO ()	224.80	X			
	2. EVELYN B. JUAN MANUEL ()	224.80	X			
SCHUK TOAK 159.0	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
SAN XAVIER 204.7	1. FELICIA NUÑEZ ()	102.35				X
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35				X
SAN LUCY 187.1	1. LORRAINE EILER (Charlotte Cadavas)	93.55	X			
	2. GLORIA RAMIREZ ()	93.55	X			X
PISINEMO 184.5	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
HICKIWAN 174.5	1. MICHELLE ORTEGA ()	87.25	X			
	2. SANDRA ORTEGA ()	87.25	X			
GU VO 206.3	1. GRACE MANUEL ()	103.15	X			
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			X
GU ACHI 230.1	1. TIMOTHY L. JOAQUIN ()	115.05	X			
	2. CYNTHIA E. MANUEL (Louis J. Johnson)	115.05	X			
CHUKUT KUK 277.0	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ()	138.50	X			
BABOQUIVARI 324.0	1. FRANCES MIGUEL (Roberta Harvey)	162.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	162.0	X			
TOTAL		2,595.50	2,390.80	-0-	-0-	204.70 [05]