

Oneida Nation

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Oneida, WI 54155

BC Resolution # 04-03-17-A

Adoption of the Second Amendment to the Public Safety Officer Pension Plan

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the duly recognized governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Nation sponsors the Oneida Nation Public Safety Officer Pension Plan (the "Plan"); and
- WHEREAS,** the Plan is a governmental tax-qualified retirement plan, operated in accordance with the exemptions extended to governmental retirement plans pursuant to Section 414(d) of the Internal Revenue Code and Section 3(32) of the Employee Retirement Income Security Act of 1974; and
- WHEREAS,** effective October 1, 2016, the Plan was amended and restated in its entirety to incorporate the most recent amendments and make certain other compliance changes; and
- WHEREAS,** the October 1, 2016 restatement of the Plan was sent to the Internal Revenue Service ("IRS") for a favorable determination letter and the IRS has requested a clarification in the definition of Normal Retirement Age in the Plan document; and
- WHEREAS,** the Public Safety Pension Board (the "Board"), which serves as the Administrator of the Plan, has worked with legal counsel to prepare certain additional changes to the Plan, including the following:
- Redesign the disability pension benefit available under the Plan to focus on duty related disabilities and to incorporate a disability application review process into the Plan;
 - Clarify the types of employment after retirement that will trigger a pension benefit suspension for a retiree;
 - Identify the circumstances under which a cost of living increase in retiree pensions may be recommended by the Board to the Business Committee; and
 - Modify and expand the membership of the Board to incorporate additional representatives of the Nation; and
- WHEREAS,** legal counsel has prepared a Second Amendment to the Plan to incorporate the required IRS update and the changes requested by the Board; and
- WHEREAS,** the Board has reviewed the proposed Second Amendment to the Plan and recommends its adoption to the Business Committee; and


NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee hereby authorizes and approves the Second Amendment to the Oneida Nation Public Safety Officer Pension Plan in the form presented to the Oneida Business Committee this date and together with any technical, legal or compliance related revisions as may be necessary prior to execution.

BE IT FUTHER RESOLVED, that the Chairwoman or Vice-Chairwoman of the Business Committee shall be, and hereby is, authorized and directed to execute the Second Amendment to the Plan on behalf of the Nation.

BE IT FINALLY RESOLVED, that the actions taken by Tribal officers and personnel in connection with the matters addressed in these resolutions be, and hereby are, ratified, confirmed and adopted as actions of the Oneida Nation.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 7 members voted in an electronic poll held on the 3rd day of April, 2017; that the forgoing resolution was duly adopted at such meeting by a vote of 7 members for, 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way. This e-poll will be presented for ratification at the next Oneida Business Committee scheduled on April 12, 2017.



Lisa Summers, Tribal Secretary
Oneida Business Committee

*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."