

# Oneida Nation

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Oneida, WI 54155

## BC Resolution # 12-28-16-B

### Resolution to Adopt the First Amendment to the Business Committee 401(k) Savings 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 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 Tribe of Indians of Wisconsin Business Committee 401(k) Savings 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 2(32) of the Employee Retirement Income Security Act of 1974; and
- WHEREAS,** effective January 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 First Amendment to the Plan, which changes the name of the Plan to the "Oneida Nation Business Committee 401(k) Savings Plan" and changes all references to the "Oneida Tribe of Indians of Wisconsin" in the Plan and its related Trust Agreement to the "Oneida Nation," has been prepared and is being presented to the Business Committee this date; and
- WHEREAS,** legal counsel advises that the First Amendment to the Plan contains no benefit or design changes to the Plan; and

**NOW THEREFORE BE IT RESOLVED,** that the Oneida Business Committee hereby authorizes and approves the First Amendment to the Oneida Nation Business Committee 401(k) Savings 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 FURTHER RESOLVED**, that the Chairwoman or the Vice-Chairwoman of the Business Committee shall be, and hereby is, authorized and directed to execute the First Amendment to the Plan on behalf of the Nation.

**BE IT FINALLY RESOLVED**, that the actions taken by the Nation's 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; 6 members voted in an electronic poll held on the 28<sup>th</sup> day of December, 2016; that the forgoing resolution was duly adopted at such meeting by a vote of 6 members for, 0 members against, and 2 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 January 11, 2017.

  
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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."