

RESOLUTION OF THE  
BUDGET AND FINANCE COMMITTEE  
OF THE NAVAJO NATION COUNCIL

23<sup>RD</sup> NAVAJO NATION COUNCIL - Fourth Year, 2018

AN ACTION

RELATING TO BUDGET AND FINANCE COMMITTEE; APPROVING THE  
RECOMMENDATION OF THE RETIREMENT SAVINGS PLAN ADMINISTRATION  
COMMITTEE TO AMEND THE RESTATED PLAN DOCUMENTS FOR THE NAVAJO  
NATION 401K SAVINGS PLAN BY ADDING A JUDICIAL BRANCH  
REPRESENTATIVE TO THE COMMITTEE

BE IT ENACTED:

SECTION ONE. AUTHORITY

The Budget and Finance Committee of the Navajo Nation Council is empowered to promulgate policies and regulations concerning wages, expenditure reimbursement, and fringe benefits for Navajo Nation officials and employees. 2 N.N.C. § 301(B)(8).

SECTION TWO. FINDINGS

- A. The Retirement Savings Plan Administration Committee (RSPAC) voted to approve an amendment to Section 13.7 of the Plan document, naming the Chief Justice of the Navajo Nation Supreme Court to RPAC.
- B. The RSPAC Resolution, RSPAC-01-18, approving and recommending the change, is attached as **Exhibit 1**.

SECTION THREE. APPROVAL

The Budget and Finance Committee approves the recommendation of RSPAC consistent with **Exhibit A** of **Exhibit 1**.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Budget and Finance Committee of the Navajo Nation Council at a duly called meeting held at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 3 in favor and 0 opposed, this 6<sup>th</sup> day of March, 2018.

A handwritten signature in black ink, reading "Dwight Witherspoon". The signature is written in a cursive, flowing style.

Dwight Witherspoon, Vice Chairperson  
Budget and Finance Committee

Motion: Honorable Tuchoney Slim, Jr.  
Second: Honorable Leonard Tsosie

**PROPOSED RESOLUTION OF THE  
RETIREMENT SAVINGS PLAN ADMINISTRATION COMMITTEE  
OF THE NAVAJO NATION**

Approving and Recommending to the Budget and Finance Committee of the Navajo Nation  
Council the Adoption and Approval of the Restated Plan Document for the Navajo Nation 401(k)  
Savings Plan, which Amends the Plan by Adding a Judicial Branch Representative  
to the Committee.

**WHEREAS:**

1. Effective October 1, 1984, the Navajo Nation established a tax-qualified retirement plan for the benefit of its employees, known as the Navajo Nation Retirement Savings Plan. The Nation amended the Retirement Savings Plan on multiple occasions, including an amendment to add an Internal Revenue Code Section 401(k) cash or deferred arrangement and to change the name of the Plan to the Navajo Nation 401(k) Savings Plan (hereinafter the "Plan"); and
2. The Plan was amended and restated again in 2008 and 2010. In 2016, the Committee passed a resolution attempting to amend and restate the Plan, intending it to be effective January 1, 2016. However, there is no evidence that this was approved by the Budget and Finance Committee or another committee of the Navajo Nation Council; and
3. Pursuant to 2 N.N.C. § 301(B)(8), the Budget and Finance Committee of the Navajo Nation Council is empowered to promulgate policies and regulations concerning the fringe benefits for Navajo Nation officials and employees; and
4. Pursuant to Section 16.1 of the Plan document, the employer shall have the right to modify, alter, or amend this Plan; and
5. The Navajo Nation Retirement Plan Administration Committee has determined that it is in the best interest of the Nation and Plan Participants to amend the Plan document by adding a Judicial Branch representative to the Committee.

**NOW THEREFORE BE IT RESOLVED THAT:**

The Navajo Nation Retirement Savings Plan Administration Committee hereby approves amending Section 13.7 of the Plan document by adding the Chief Justice of the Navajo Nation Supreme Court to the membership of the Committee as a representative of the Judicial Branch.

The Navajo Nation Retirement Savings Plan Administration Committee hereby recommends to the Budget and Finance Committee of the Navajo Nation Council the adoption and approval of an amended and restated Plan, which includes the amendments in "Exhibit A" attached hereto.

### **CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Retirement Savings Plan Administration Committee of the Navajo Nation at a duly called meeting in Window Rock, (Navajo Nation) Arizona at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed and 1 abstained, this 24th day of January, 2018.



Seth Damon, Chairperson  
Retirement Savings Plan Administration Committee  
THE NAVAJO NATION

Motion: Dr. Sharon Begay-McCabe

Second: Ms. Pearline Kirk

xc:    RPAC file  
      NN Retirement Services: Resolution file  
      Budget and Finance Committee

**EXHIBIT "A"**Navajo Nation 401(k) Savings Plan

## Article XIII

## Administration

13.7 Plan Administrative Committee

The Retirement Savings Plan Administration Committee (the "Committee") as appointed by the Budget and Finance Committee of Council shall serve as the Plan Administrator. The Committee shall consist of the Chair~~man~~person and Vice Chair~~man~~person of the Budget and Finance Committee of the Council, the Controller of the Office of the Controller, Division of Finance, or his or her designee, the Director of the Department of Personnel Management or his or her designee, ~~and~~ the Director of the Division of Community Development or his or her designee, and the Chief Justice of the Navajo Nation Supreme Court or his or her designee. All designees shall be appointed through written notice to the Committee. The Committee members shall serve without compensation but shall be reimbursed for all expenses by the Employer. The Committee shall conduct itself in accordance with the provisions of this Article XIII. The members of the Committee may resign by providing thirty (30) days written notice to the Budget and Finance Committee of the Council and may be removed immediately at any time by written notice from the Budget and Finance Committee. In the event of a member's resignation or removal, the designee shall temporarily serve on the Committee until such time as the Budget and Finance Committee appoints a replacement or the position is filled by an acting status or permanent employee.