



# NOOKSACK TRIBAL COUNCIL

4979 Mt. Baker Hwy-Ste. F  
PO Box 157  
Deming, WA 98244

## RESOLUTION #12-19

February 7, 2012

### **TITLE: ADDITION OF TWO (2) MEMBERS TO THE NOOKSACK 401K PLAN COMMITTEE**

**WHEREAS**, the Nooksack Tribal Council is the governing body of the Nooksack Tribe of Indians, a recognized tribe under the Treaty of 1855, in accordance with its Constitution and By-Laws approved by the Deputy Assistant Secretary of Indian Affairs on September 23, 1973, and in accordance with the Indian Reorganization Act of June 18, 1934; and

**WHEREAS**, in accordance with Article VI, Section 1(F) of the Constitution and Bylaws of the Nooksack Indian Tribe, the Council may select subordinate boards, establish associations, and organizations for the benefit of the Nooksack Indian Tribe; and

**WHEREAS**, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of the Nooksack Indian Tribe; and

**WHEREAS**, on November 1, 2011, the Nooksack Tribal Council approved Resolution #11-93, establishing the formation of a 401(k) Plan Committee comprised of the Government Services Executive as Chairman of the committee, a Council Member, the Chief Financial Officer, and the Human Resources Director. The fifth (5<sup>th</sup>) member is a Director appointed by the other four (4) members; and

**WHEREAS**, the Nooksack 401(k) Plan Committee oversees both the commercial retirement plan and the governmental retirement plan and the committee needs representation from the Tribe's commercial entities; and

**WHEREAS**, the Committee will need a sixth (6<sup>th</sup>) and Seventh (7<sup>th</sup>) member to be added to the Committee from the commercial entities of the Tribe; and

**NOW THEREFORE BE IT RESOLVED**, that the Nooksack Tribal Council hereby approves the addition of two (2) members to the 401(k) Plan Committee. Member Six (6) to be a Management Level Employee of an entity of the Nooksack Business Corporation (NBC) and Member Seven (7) to be a Management Level Employee of an entity of the Nooksack Business Corporation II (NBC II). The two (2) additional members will be chosen by the first five (5) members of the Committee; and

**BE IT FURTHER RESOLVED**, that the Chairman (or Vice-Chairman in his absence) is hereby authorized and directed to execute this resolution and any documents connected here within, and the Secretary is authorized and directed to execute the following certification.

### CERTIFICATION

I hereby certify that the above resolution was duly enacted by the Nooksack Tribal Council by a vote of the council members held on **February 7, 2012** on the Nooksack Indian Reservation, at which time a quorum was polled. The resolution was approved by a vote of:

7 FOR    0 AGAINST    0 ABSTENTIONS

### ATTEST:

  
\_\_\_\_\_  
Robert Kelly Jr.  
Tribal Council Chairman

  
\_\_\_\_\_  
Rudy St. Germain  
Tribal Council Secretary

## AGENDA TOPIC OVERVIEW

<b><u>Topic:</u></b> Addition of two members to the Nooksack 401(k) Plan Committee	Contact: Eric Davenport, Govt. Serv. Exec.
<b><u>Action Request:</u></b> Approval of two additional members to the Nooksack 401(k) Plan Committee. Member six (6) would be a management level employee of an entity of the Nooksack Business Corporation and Member seven (7) would be a management level employee of an entity of the Nooksack Business Corporation II. The two additional members are to be chosen by the first five members of the Nooksack 401(k) Committee.	
<b><u>Date of Presentation:</u></b> February 7, 2012	
<b><u>Background:</u></b> On November 1, 2011, the Nooksack Tribal Council approved by resolution _____, the formation of a 401(k) Plan Committee comprised of the Government Services Executive, Eric Davenport as Chairman of the Committee, Council Member, Nadene Rapada, Chief Financial Officer, Jeff Meyers, and Human Resources Director, Suzanne Brownrigg. The fifth member is a director chosen by the four members.  The Nooksack 401(k) Plan Committee has oversight of the Tribe's commercial plan and the governmental plan. Each plan is a separate document with different legal requirements to be approved by the Tribal Council. The Committee will need representation from the Tribe's commercial entities in order to provide comprehensive oversight of the two plans. In consultation with the 401(k) Committee's advisors, it is recommended that a sixth and seventh member be added to the Committee from each of the commercial entities of the Tribe.	
<b><u>Analysis and Options:</u></b> The Nooksack 401(k) Plan Committee governs both the commercial and governmental plans and it will need representation from members who are management level employees of the Tribe's commercial entities. Therefore, a sixth and seventh member are requested requested to be added to the Committee from the commercial entities of the Tribe.	
<b><u>Financial Impact:</u></b> None.	
<b><u>Staff Recommendation:</u></b> Staff recommends the addition of the two commercial members to the Nooksack 401(k) Plan Committee representing the entities from NBC and NBC II.	
<b>Action Required</b>  <div style="text-align: center;"> <input type="checkbox"/> NIT Action    <input type="checkbox"/> NIT Review    <input type="checkbox"/> NIT Recommendation    <input type="checkbox"/> Other         </div>	