



Onidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

# **Oneida Tribe of Indians of Wisconsin**

## **BUSINESS COMMITTEE**



**UGWA DEMOLUM YATEHE**  
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

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### **BC Resolution #12-10-08-D**

*Resolution to Adopt the Amended and Restated*

*Oneida Tribe of Indians of Wisconsin Deferred Compensation Plan*

**WHEREAS,** the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States, and

**WHEREAS,** the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of Wisconsin, and

**WHEREAS,** the General Tribal Council has been delegated the authority of Article IV, Section 1 of the Oneida Tribal Constitution by the Oneida General Tribal Council, and

**WHEREAS,** the Oneida Business Committee previously adopted the Oneida Tribe of Indians of Wisconsin Deferred Compensation Plan and its related Trust Agreement effective as of January 1, 2007 (the "DCP") as a replacement retirement plan for the individuals excluded from the Tribe's tax-qualified 401(k) Plan pursuant to the Sixth Amendment to the 401(k) Plan, and

**WHEREAS,** the deadline for updating non-qualified deferred compensation programs under Section 409A of the Internal Revenue Code is December 31, 2008, and

**WHEREAS,** legal counsel has recommended that the DCP be updated in accordance with the final regulations issued under Code Section 409A.

**NOW THEREFORE BE IT RESOLVED,** that the preparation of the amended and restated Oneida Tribe of Indians of Wisconsin Deferred Compensation Plan is hereby authorized and directed, provided that the DCP be modified for compliance purposes only and no substantive benefit provisions of the DCP be modified or altered, and

**BE IT FURTHER RESOLVED,** that the Tribal Chairman or, in his absence the Vice Chairwoman, is authorized and directed to execute the amended and restated DCP on behalf of the Oneida Tribe of Indians of Wisconsin and prior to the Code Section 409A documentation deadline, and

**BE IT FURTHER RESOLVED**, that Terry Cornelius' previous appointment as the DCP Administrator is ratified and confirmed, pursuant to the terms of the DCP, and

**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 Tribe of Indians of Wisconsin.

### 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 were present at a meeting duly called, noticed and held on the 10<sup>th</sup> day of December 2008; that the foregoing resolution was duly adopted at such meeting by a vote of 5 members for; 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.

  
Patricia Hoeft, Tribal Secretary,  
Oneida Business Committee

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