

SQUAXIN ISLAND LEGAL DEPARTMENT

RESOLUTION NO. 09-⁹⁵
Of the
SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises, and its agencies by authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; and

WHEREAS, the Tribe is a federally-recognized Indian Tribe possessing reserved powers, including the powers of self-government; and

WHEREAS, under the Constitution, Bylaws and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of tribal members, and with protecting and managing the lands and treaty resources and rights of the Tribe; and

WHEREAS, the Squaxin Island Tribal Council has been entrusted with the creation of ordinances and resolutions in order to fulfill their duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe; and

WHEREAS, the Squaxin Island Tribal Council previously authorized the establishment of a 401(k) Profit Sharing Plan for the Squaxin Island Gaming Enterprise under Resolution No. 02-34, wherein Transamerica Retirement Services provided the trust and management services for the 401(k) Profit Sharing Plan; and

WHEREAS, the Squaxin Island Tribal Council believes it would be in the best interests of the Squaxin Island Gaming Enterprise to change the trust and management services of the 401(k) Profit Sharing Plan from Transamerica Retirement Services to Fidelity Management Trust Company, consistent with the terms and conditions set out in the attached documents, which include, but is not limited to the following:

1. Representation Letter.
2. Service Agreement.
3. Defined Contribution Plan (including two addenda)

NOW, THEREFORE, BE IT RESOLVED AND ENACTED By the Council as follows:

The terms and conditions of the above-described documents are hereby approved, authorized and ratified.

BE IT FURTHER RESOLVED:

The General Manager of the Squaxin Island Gaming Enterprise, Joe Calabrese, or his successor, Lyle Mitch Corbine, are hereby authorized to execute and deliver the above referenced documents, as well as any non-material revisions of the same prior to execution as they shall determine, together with any and all other documents required to facilitate the establishment of the 401(k) Profit Sharing Plan with Fidelity Management Trust Company. To the extent a second individual's signature is needed for such documents, or such signature is needed for any future documents, that individual and signature shall be from Peg Johnson, Human Resource Director for Squaxin Island Gaming Enterprise.

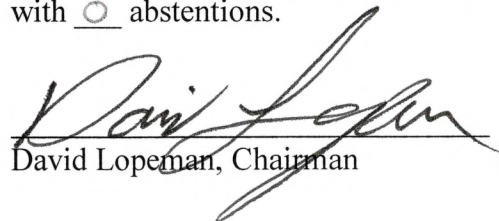
BE IT FURTHER RESOLVED:

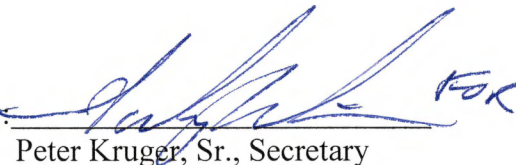
As to the legal enforcement of the above described documents, The Squaxin Island Tribal Council waives the Tribe's sovereign immunity, limited and consistent with the following terms, as found in the Service Agreement:

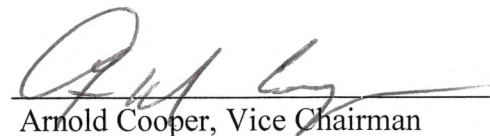
"The provisions of this Agreement shall be enforced under and construed in accordance with the laws of the Commonwealth of Massachusetts, excluding its conflict of laws provisions. The Employer hereby waives sovereign immunity, to the full extent otherwise applicable, and consents to the jurisdiction of the Massachusetts State Courts and the Federal Court system."

CERTIFICATION

The Squaxin Island Tribal Council does hereby certify that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 12th day of November, 2009 at which time a quorum was present and was passed by a vote of 5 for and 0 against with 0 abstentions.


David Lopeman, Chairman

Attested by:  FOX
Peter Kruger, Sr., Secretary


Arnold Cooper, Vice Chairman