

**CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA**

Date: _____

RESOLUTION NO. _____ (2018)

WHEREAS, Resolution No. 15 (2009) authorized approval for TCGE and TBE to withdraw from the EBCI retirement plan; and

WHEREAS, Resolution No. 139 (2010) established the new Tribal Employee Benefits Committee (TEBC) and the TEBC was slightly changed in Resolution 698 (2017); and

WHEREAS, When TCGE and TBE went out on their own it was anticipated that the Tribe and the remaining Entities would comply with the Pension Protection Act of 2006 and create a new governmental and commercial defined benefit plan; and

WHEREAS, The Governmental and Commercial Defined Benefit Plans both provide for 5-year vesting. A participant in either plan must work for 5 years to receive a retirement benefit; and

WHEREAS, Tribal Council would like the vesting period extended to ten (10) years for new employees and this is only permissible for the Governmental Plan.

NOW THEREFORE BE IT RESOLVED by the Tribal Council of the Eastern Band of Cherokee Indians assembled, at which a quorum is present, that the Eastern Band of Cherokee Indians Governmental Retirement Plan shall be amended as necessary so that a Participant shall only be vested and receive an Accrued Benefit when the Participant has 10 or more Years of Service.

BE IT FURTHER RESOLVED that the new 10-year vesting period shall be effective for employees whose first day of employment is after December 31, 2018.

BE IT FURTHER RESOLVED that the Tribal Employee Benefits Committee and the Principal Chief are authorized to carry out the intent of this resolution.

BE IT FINALLY RESOLVED that all resolutions that are inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief.

Submitted by Jay M. Gallinger from the Office of Attorney General