

TO GRANT A LIMITED WAIVER OF SOVEREIGN IMMUNITY IN CONNECTION WITH THE CHOCTAW NATION OF OKLAHOMA EXECUTIVE DEFERRED COMPENSATION PLAN

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL

A COUNCIL BILL

TO GRANT a limited waiver of sovereign immunity in favor of participants and beneficiaries in the Choctaw Nation of Oklahoma (the "Nation") Executive Deferred Compensation Plan.

WHEREAS, the Nation intends to adopt the Choctaw Nation of Oklahoma Executive Deferred Compensation Plan (the "Executive DCP") effective as of January 1, 2023 for the benefit of certain highly paid and key management employees of the Nation;

WHEREAS, the Executive DCP will allow participants to defer portions of their annual salary, bonus pay and incentive compensation and to receive discretionary contributions that may be made by the Nation, all on a tax-deferred basis into a trust account owned and controlled by the Nation;

WHEREAS, the Tribal Council has determined it is in the best interest of the Nation, in order to ensure the success of the Executive DCP, that the Nation provide the individuals who will be eligible to receive deferred compensation benefits pursuant to the Executive DCP with the ability to enforce their right to receive benefits under the Executive DCP through the Courts of the Choctaw Nation.

THEREFORE BE IT ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma that this Bill be cited as granting a limited waiver of the sovereign immunity of the Nation for the sole purpose of providing a participant or beneficiary under the Choctaw Nation of Oklahoma Executive Deferred Compensation Plan a legally enforceable right to enforce the terms of the Executive DCP. This waiver shall be narrowly construed and shall not authorize any extra-contractual or punitive damages. The limited waiver set forth herein shall apply to all benefits accrued pursuant to the Executive DCP on and after January 1, 2023. The limited waiver called for herein shall be enforceable solely in the Courts of the Choctaw Nation.

CERTIFICATION

I, the undersigned, as speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that twelve (12) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council at Tuskahoma, Oklahoma on November 12, 2022. I further certify that the foregoing Council Bill CB- 22 -23 was adopted at such meeting by the affirmative vote of twelve (12) members, zero (0) negative votes, and zero (0) abstaining.

Ronald Perry, Secretary
Choctaw Nation Tribal Council

Thomas Williston, Speaker
Choctaw Nation Tribal Council

Gary Batton, Chief
Choctaw Nation of Oklahoma

Date 11-15-22

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CHOCTAW NATION OF OKLAHOMA EXECUTIVE DEFERRED COMPENSATION PLAN**

Purpose/Need of Council Bill: To grant a limited waiver of sovereign immunity in favor of participants and beneficiaries who are entitled to receive deferred compensation benefits pursuant to the Choctaw Nation of Oklahoma Executive Deferred Compensation Plan.

Title of Council Bill: **TO GRANT A LIMITED WAIVER OF SOVEREIGN IMMUNITY IN CONNECTION WITH THE CHOCTAW NATION OF OKLAHOMA EXECUTIVE DEFERRED COMPENSATION PLAN**

Choctaw Nation Department: Human Resources

Federal Award: N/A

Match Required: N/A

Request by Project Director/SEO: Duane Winship, Senior Director, Human Resources; Gary Burrus, Executive Officer, Human Resources; Kelly McKaughan, SEO Integrated Services