RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL (Approval of FundSweep Agreement with Bank of America)

RESOLUTION NO. 01-127

1	WHEREAS,	officials of the Tohono O'odnam Nation (the "Nation") and Bank of America (the
2		"Bank") have negotiated a Customer Agreement for Commercial Automated
3		Investment Account (the "FundSweep Agreement") and the related Nations
4		Institutional Reserves Investment Selection Form (the "Investment Selection Form"),
5		copies of which are attached hereto; and
6	WHEREAS,	the Nation established a General Fund Investment Account under the Investment
7		Management Contract between the Nation and the Bank; and
8	WHEREAS,	the Nation maintains a General Fund Checking Account (no. 0002-5307-7497) and a
9		Payroll Checking Account (no. 0046-7186-5735) at the Bank (the "Checking Accounts");
10		and
11	WHEREAS,	funds are transferred from the General Fund Investment Account to the Checking
12		Accounts, and federal grant funds are directly deposited to the Checking Accounts,
13		in amounts which maintain balances projected as sufficient to pay all obligations
14		posted to the Checking Accounts each day (the "Projected Amounts"); and
15	WHEREAS,	the Projected Amounts do not now earn interest; and
16	WHEREAS,	pursuant to the terms of the FundSweep Agreement, the Projected Amounts not
17		required to pay the obligations posted to the Checking Accounts (the "Net Projected
18		Amount") will be transferred daily to a new account established at the Bank (the
19		"Sweep Account"); and
20	WHEREAS,	the Net Projected Amount in the Sweep Account will realize interest at the rate of
21		interest earned by the fund designated by the Nation (the "Investment Fund") in the
22		Investment Selection Form; and
23	WHEREAS,	the Investment Committee recommends approval by the Tohono O'odham Legislative
24		Council of the FundSweep Agreement and the designation of Nations Cash Reserves
25		FundMarket Class Shares as the Investment Fund.
26	NOW, THER	EFORE, BE IT RESOLVED THAT:
27		1. The Tohono O'odham Legislative Council approves the FundSweep Agreement
28		in the form attached hereto, and authorizes and directs the Chairman of the
29		Nation to execute the Agreement.

- 2. The Legislative Council approves the designation of the General Fund Checking Account (no. 0002-5307-7497) and the Payroll Checking Account (no. 0046-7186-5735) for purposes of the transfer of funds between such Accounts and the Sweep Account in accordance with the terms of the FundSweep Agreement.
- 3. The Legislative Council approves the designation of Nations Cash Reserves Fund--Market Class Shares as the Investment Fund in the Investment Selection Form, and authorizes and directs the Chairman of the Nation to execute the Form.
- 4. Instructions issued under the Agreement and requests for information related to the Agreement and the Investment Fund shall be in writing and executed by two of the following persons:

Name Chairperson of the Investment Committee Edward D. Manuel Richard M. Mathis Treasurer Tomoko Coles Chairman of the Nation Controller

- 5. The Chairman of the Nation is authorized to execute and transmit to the Bank
 (a) a Certificate of Authority which sets forth the name, title and signature of each
 person listed above; and (b) an Amended Certificate of Authority to reflect any
 change in the persons who have the foregoing titles.
- 6. The Chairman of the Nation is authorized to execute such other documents as may be necessary to implement the Agreement.
- The Chairman of the Nation is authorized and directed to transmit a copy of this Resolution to the Bank.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 19TH. Day of MARCH, 2001 at a meeting at which a quorum was present with a vote of 2,165.5 FOR; -0-AGAINST; -0-NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Section 1 (d)(2) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June

18, 1934 (48 Stat. 984).

RESOLUTION NO. <u>01-127</u> (Approval of FundSweep Agree Page 3 of 3	ment with Bank of America)				
	TOHONO O'ODHAM LEGISLATIVE COUNCIL				
	Dennis Ramon, Legislative Chairman				
	39 day of SMAnch, 200/				
ATTEST:					
Kut Cant					
John Jany					
uljanna Saraficio, Acting Leg	gislative Secretary				
19 day of March	20 //				
day of Trusty					
aid Recolution was submitte	ed for annroyal to the office of the Chairman of the Tohono				
ation on the 22 day	ed for approval to the office of the Chairman of the Tohono of <u>monch</u> , 20 <u>10</u> at <u>4:06</u> o'clock,				
ursuant to the provisions of	Section 5 of Article VII of the Constitution and will become				
pon his approval or upon l	his failure to either approve or disapprove it within 4				
ubmittal.					
	TOHONO O'ODHAM LEGISLATIVE COUNCIL				
	TOHONO O ODITAM LEGISLATIVE COUNCIL				
	Dennis Ramon, Legislative Chairman				
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⋈ APPROVED	on the 23 day of Manh , 20 0 /				
/4	•				
] DISAPPROVED	at <u>8:/5</u> o'clock, <u>A</u> .M.				
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	There & Mone				
	EDWARD D. MANUEL, Chairman				
	TOHONO O'ODHAM NATION				
	24				
Returned to the Legislative So	ecretary on the $\frac{23}{}$ day of				
March ,20 01	', at <u>8:22</u> o'clock, <u>A</u> .M.				
New Mich					
-/ - / - / -	gislative Secretary				

ACTION: APPROVAL OF FUNDSWEEP AGREEMENT WITH BANK OF AMERICA

MOVED: COUNCILMAN DAVID GARCIA

SECOND: COUNCILMAN KENNETH WILLIAMS

DATE:

MARCH 19, 2001

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 171.8	1. MARY ANN ANTONE (Darlene Andrew) 2. RITA MARTINEZ	85.9	х			
	(Nicholas Jose)	85.9	Х			
SELLS 372.7	1. DENNIS E. JOSE	186.35	X			
	2. EVELYN JUAN	186.35	x			
SCHUK TOAK	1. MARY FLORES	66.7	X			X
133.4	2. AMBROSE ENCINAS	66.7	X			
SAN XAVIER 165.9	1. TONY BURRELL	82.95	X			
105.9	2. DENNIS RAMON ()	82.95	Х			
BABOQUIVARI	1. FRANCES MIGUEL	143.25	X			
286.5	2. FRANCES G. ANTONE (Edward N. Kisto)	143.25	х			
GU ACHI	CAMILLUS LOPEZ (Louis Johnson)	104.8	x	·		
209.6	2. ALEX J. RAMON	104.8	х			x
PISINEMO 156.8	1. BARBARA SALVICIO (Alex Antone)	78.4	Х			
1000	2. JOHNSON JOSE ()	78.4	х			х
SAN LUCY 128.1	1. ALBERT MANUEL, JR.	64.05	х			
120.1	2. GLORIA RAMIREZ ()	64.05	Х			
GU VO	1. FERN SALCIDO	80.0	х			X
160.0	2. GLORIA MONTANA (Phillip Antone)	80.0	х			
HICKIWAN	1. SHIRLEY MOLINA	79.05	х			
158.1	2. LLOYD FRANCISCO (Susan Sam)	79.05	X			
CHUKUT KUK	1. KENNETH WILLIAMS	111.3	X			
222.6	2. DAVID GARCIA (Mary Audrey Juan)	111.3	X			
T	OTAL	2,165.5	2,165.5	-0-	-0-	[04]