

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Transfer of Certain Short-Term Investment Accounts)

RESOLUTION NO. 01-458

1 **WHEREAS, pursuant to Resolution No. 91-042 adopted by the Tohono O'odham Legislative Council**
2 **(the "Legislative Council"), as amended by Resolution No. 01-213 (copies of which are**
3 **attached hereto), the Legislative Council approved the Financial Investment Policy**
4 **(the "Investment Policy") of the Tohono O'odham Nation (the "Nation") and established**
5 **an Investment Committee consisting of the five members of the Budget and Finance**
6 **Committee of the Legislative Council and two members appointed by the Chairman**
7 **of the Nation; and**

8 **WHEREAS, pursuant to the Investment Policy at paragraph two under INVESTMENT**
9 **MANAGEMENT, the "Investment Committee is authorized to make investment and**
10 **reinvestment decisions for both short-term and long-term accounts"; and**

11 **WHEREAS, funds received by the Nation from the Bureau of Indian Affairs ("BIA Account") and the**
12 **Indian Health Services ("IHS Account"), as well as funds associated with the operation**
13 **of the Nation's Waste Management Program ("Waste Management Account"), have**
14 **been deposited with the Commercial Banking Division of Bank of America in Tucson**
15 **("BOACB") for investment in a money market fund ("BOACB Money Market Fund");**
16 **and**

17 **WHEREAS, designated officials of the Executive Branch are authorized to use the Bamtrac System**
18 **to transfer funds from the BOACB Money Market Fund to the Nation's General Fund**
19 **Checking Account (No. 002-5307-7497); and**

20 **WHEREAS, Banc of America Securities LLC ("BAS") is a subsidiary Bank of America with offices in**
21 **Dallas, Texas; and**

22 **WHEREAS, funds deposited with BAS are invested in the Nations Funds, including the Treasury**
23 **Reserves Fund which invests in treasury bills and notes issued by the United States, as**
24 **well as repurchase agreements collateralized by treasury bills and notes; and**

25 **WHEREAS, the yield on the BAS Treasury Reserves Fund is approximately twice the yield on the**
26 **BOACB Money Market Fund at this time; and**

27 **WHEREAS, to maximize the return on the Nation's funds in the BIA, IHS and Waste Management**
28 **Accounts, the Investment Committee recommends that the Legislative Council**

1 authorize transfer of the Accounts from BOACB to BAS for investment in the Treasury
2 Reserves Fund.

3 **NOW, THEREFORE, BE IT RESOLVED THAT:**

4 1. **The Chairman of the Nation, acting in his capacity as a member of the Investment**
5 **Committee, or the Chairperson of the Investment Committee is authorized to**
6 **transfer all funds in the following accounts at BOACB to BAS for deposit in accounts**
7 **with the same title and new account numbers designated by BAS prior to transfer:**

8	BOACB	BOACB
9	<u>Account Title</u>	<u>Account Number</u>
10		
11	BIA	0002-3533-5325
12	IHS	0002-3533-5317
13	Waste Management	0002-5245-2099

14 2. **BAS is authorized to invest all funds in the BIA, IHS and Waste Management**
15 **Accounts in the Treasury Reserves Fund.**

16 3. **Subject to approval of the Investment Committee, the Chairman of the Nation,**
17 **acting in his capacity as a member of the Investment Committee, or the**
18 **Chairperson of the Investment Committee is authorized to issue facsimile or other**
19 **written instructions to BAS to transfer some or all of the funds in the Accounts from**
20 **the Nations Treasury Reserves Fund for investment in other Nations money market**
21 **funds.**

22 4. **Statements issued by BAS on the Accounts shall be transmitted to the Treasurer of**
23 **the Nation, P.O. Box 837, Sells, Arizona 85634.**

24 5. **The Chairman of the Nation, the Treasurer of the Nation and the Chairperson of the**
25 **Investment Committee are each authorized to verbally receive from BAS**
26 **information related to the Accounts.**

27 6. **BAS may deal with any and all persons directly or indirectly empowered by this**
28 **Resolution, as though BAS were dealing with the Tohono O'odham Nation directly.**

29 7. **The Tohono O'odham Nation is a duly organized and existing Indian Nation**
30 **established under a Constitution approved by the Secretary of the United States**
31 **Department of the Interior; the Nation's Constitution empowers the Nation to**

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1 transact the business identified in this Resolution; and no limitation on such
2 business transactions exists in the Nation's Constitution or other applicable law.

3 8. The Legislative Secretary or the Acting Legislative Secretary is authorized to issue
4 a Certification for delivery to BAS, in the form attached hereto, which certifies (a)
5 the name and title of each member of the Investment Committee; (b) the specimen
6 signature of each member of the Investment Committee authorized to issue written
7 instructions to BAS under the terms of this Resolution; and (c) the due enactment
8 and current effectiveness of this Resolution and Resolution No. 91-042 (as amended
9 by Resolution No. 01-213).

10 9. The Legislative Secretary or the Acting Legislative Secretary is authorized to issue
11 such further Certifications for delivery to BAS as may be required to reflect any
12 change in (a) the membership of the Investment Committee, (b) the members
13 authorized to take action under this Resolution or (c) the Resolutions related to
14 authority granted under this Resolution.

15 10. In the event of any change in the office or powers of persons hereby empowered, the
16 Legislative Secretary or the Acting Legislative Secretary shall certify such changes
17 to BAS in writing in the manner herein above provided, which notification, when
18 received, shall be adequate both to terminate the powers of the persons theretofore
19 authorized, and to empower the persons thereby substituted.

20 11. BAS may rely upon any Certification given in accordance with this Resolution, as
21 continuing and fully effective unless and until BAS shall receive due written notice
22 of a change in or the rescission of the authority so evidenced and the dispatch or
23 receipt of any other form of notice shall not constitute a waiver of this requirement,
24 nor shall the fact that any person hereby empowered ceases to be a member of the
25 Investment Committee or becomes an official under some other title in any way
26 affect the powers hereby conferred; provided that the failure to supply any
27 specimen signature shall not invalidate any transaction if the transaction is in
28 accordance with authority actually granted.

29 12. This Resolution and Certifications actually furnished to BAS by the Legislative

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Secretary or the Acting Legislative Secretary are irrevocable until written notice of the revocation thereof shall have been received by BAS.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11TH Day of SEPTEMBER, 2001 at a meeting at which a quorum was present with a vote of 2,333.85 FOR; -0- AGAINST; 83.65 NOT VOTING; and [02] 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).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Councilwoman for
Rita A. Martinez, Legislative Chairwoman

13th day of September, 2001

ATTEST:

[Signature]
Juliana Saraficio, Acting Legislative Secretary

11 day of September, 2001.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 13th day of September, 2001 at 8:48 o'clock, A.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

[Signature]
Rita A. Martinez, Legislative Chairwoman

APPROVED

on the 13th day of September, 2001

DISAPPROVED

at 4:32 o'clock, P.M.

[Signature]
EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

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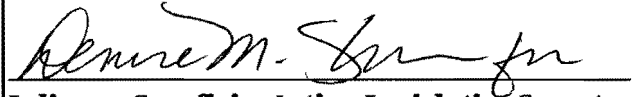
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Returned to the Legislative Secretary on the 14th day of

September, 20 01, at 9:40 o'clock, A.M.



Julianna Saraficio, Acting Legislative Secretary

ACTION: APPROVING TRANSFER OF CERTAIN SHORT-TERM INVESTMENT ACCOUNTS

MOVED: COUNCILWOMAN FERN SALCIDO

SECOND: COUNCILMAN DENNIS JOSE

DATE: SEPTEMBER 11, 2001

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 248.1	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			X
	2. DAVID GARCIA (Mary Audrey Juan)	124.05	X			
HICKIWAN 167.3	1. SHIRLEY MOLINA ()	83.65			X	
	2. SANDRA ORTEGA ()	83.65	X			
GU VO 188.3	1. FERN SALCIDO ()	94.15	X			
	2. EMILIO LEWIS (Michael Flores)	94.15	X			
SAN LUCY 160.7	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35	X			X
	2. GLORIA RAMIREZ ()	80.35	X			
PISINEMO 174.7	1. BARBARA SALVICIO (Alex Antone)	87.35	X			
	2. PATRICIA CRUZ (Johnson Jose)	87.35	X			
GU ACHI 230.7	1. CAMILLUS LOPEZ ()	115.35	X			
	2. ALEX J. RAMON (Jerome Joaquin)	115.35	X			
BABOQUIVARI 317.7	1. FRANCES MIGUEL ()	158.85	X			
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			
SAN XAVIER 184.7	1. TONY BURRELL ()	92.35	X			
	2. DENNIS RAMON ()	92.35	X			
SCHUK TOAK 144.5	1. MARY FLORES ()	72.25	X			
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25	X			
SELLS 416.1	1. DENNIS E. JOSE ()	208.05	X			
	2. EVELYN JUAN ()	208.05	X			
SIF OIDAK 184.7	1. ISIDRO LOPEZ ()	92.35	X			
	2. RITA A. MARTINEZ (Nicholas Jose)	92.35	X			
TOTAL		2,417.5	2,333.85	-0-	83.65	[02]

**PASSED VOTES