

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving Per Capita Trust Service Agreement Fee Schedule)**

**RESOLUTION NO. 06-324**

1 **WHEREAS, the Constitution of the Tohono O'odham Nation provides that the "members of the**  
2 **Tohono O'odham Nation reserve the power to independently propose ordinances,**  
3 **resolutions or other legislation affecting the Tohono O'odham Nation" (Constitution,**  
4 **Article XV); and**

5 **WHEREAS, on June 28, 1997, the Nation's voters approved Initiative IN-97-01, the "Tohono**  
6 **O'odham Voice in the Use of Gaming Revenues" ("Initiative"), which authorizes per**  
7 **capita payments to the Nation's members provided that sufficient gaming revenues**  
8 **are available; and**

9 **WHEREAS, in accordance with the Initiative, the Ordinance for the Regulation of Gaming**  
10 **Activities (Ordinance No. 93-01, as amended), relevant provisions of the Indian**  
11 **Gaming Regulatory Act (25 U.S.C. § 2710(b)(3)), and regulations at 25 C.F.R. Part 290,**  
12 **the Legislative Council has approved (1) a Third Revenue Allocation Plan (Resolution**  
13 **No. 06-307), (2) a Per Capita Trust Agreement ("Trust Agreement") (Resolution No. 06-**  
14 **258), (3) an Investment Policy Statement for Minors and Legally Incompetent Persons**  
15 **("Minors' Investment Policy") (Resolution No. 06-257), and (4) a Per Capita Trust**  
16 **Service Agreement with Wells Fargo Bank, N.A. ("Service Agreement") (Resolution No.**  
17 **06-258) to govern the Third Per Capita distribution while protecting the interests of**  
18 **minors and legally incompetent members; and**

19 **WHEREAS, the Nation's Chairwoman was authorized and directed "to submit, and make a**  
20 **written request for approval of, the Third Revenue Allocation Plan in accordance with**  
21 **the provisions of 25 C.F.R. Part 290" "subject to the completion of any agreements**  
22 **necessary to implement the Third Revenue Allocation Plan" (Resolution No. 06-307);**  
23 **and**

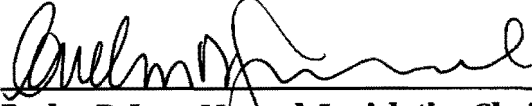
24 **WHEREAS, the Service Agreement, which is necessary to the implementation of the Third**  
25 **Revenue Allocation Plan, was approved by the Council "subject to negotiation of fees"**  
26 **(Resolution No. 06-258); and**

27 **WHEREAS, the Nation's Investment Committee has worked with Wells Fargo Bank, N.A., to**  
28 **develop the attached "Per Capita Trust Service Agreement Fee Schedule," which is**  
29 **incorporated by this reference, in order to finalize the Service Agreement and allow**  
30 **the Third Revenue Allocation Plan to be submitted to the federal government for**  
31 **approval in accordance with Resolution No. 06-307; and**


1 **WHEREAS, the Nation's Investment Committee has reviewed the Per Capita Trust Service**  
2 **Agreement Fee Schedule, which complies with the Minors' Investment Policy, and**  
3 **recommends its approval.**  
4 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council**  
5 **hereby approves the Per Capita Trust Service Agreement Fee Schedule and authorizes**  
6 **and directs the Chairwoman of the Tohono O'odham Nation to execute the Schedule.**  
7 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council, in accordance**  
8 **with Resolution No. 06-258 and Resolution No. 06-307, authorizes and directs the**  
9 **Chairwoman of the Tohono O'odham Nation to (1) execute the Service Agreement and**  
10 **Trust Agreement and (2) submit, and make a written request for approval of, the**  
11 **Third Revenue Allocation Plan.**

12 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 22<sup>ND</sup> day**  
13 **of MAY, 2006 at a meeting at which a quorum was present with a vote of 2,271.8 FOR; -0- AGAINST;**  
14 **169.0 NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Section 1**  
15 **(d)(2) & (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**  
16 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**  
17 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**  
18 **Stat. 984).**

19 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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22 **Evelyn B. Juan Manuel, Legislative Chairwoman**

23 22<sup>nd</sup> day of May, 2006

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27 **ATTEST:**  
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31 **Lucille Lopez, Acting Legislative Secretary**

32 22 day of May, 2006.

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36 **Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono**  
37 **O'Odham Nation on the 22<sup>nd</sup> day of May, 2006 at 4:19 o'clock, P.M.,**  
38 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**  
39 **upon her approval or upon her failure to either approve or disapprove it within 48 hours of**  
40 **submittal.**

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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**


  
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**Evelyn B. Juan Manuel, Legislative Chairwoman**

APPROVED

on the 23 day of May, 2006

DISAPPROVED

at 4:12 o'clock, P.M.

  
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**VIVIAN JUAN-SAUNDERS, CHAIRWOMAN**  
**TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 23 day of

May, 2006, at 4:44 o'clock, P.M.

  
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**Lucille Lopez, Acting Legislative Secretary**

ACTION: APPROVING PER CAPITA TRUST SERVICE AGREEMENT FEE SCHEDULE

MOVED: COUNCILWOMAN DELMA GARCIA

SECOND: COUNCILMAN RAYMOND VICTOR

DATE: MAY 22, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> 310.8	1. FRANCES MIGUEL ( )	155.40	X			
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			
<b>CHUKUT KUK</b> 258.7	1. ETHEL GARCIA ( )	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
<b>GU ACHI</b> 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			X
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
<b>GU VO</b> 193.1	1. RAYMOND VICTOR ( )	96.55	X			
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			
<b>HICKIWAN</b> 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70	X			
	2. SANDRA ORTEGA ( )	83.70	X			
<b>PISINEMO</b> 171.8	1. BARBARA SALVICIO ( )	85.90	X			
	2. GERALD FAYUANT ( )	85.90	X			X
<b>SAN LUCY</b> 169.0	1. JOHN W. LAWSON, SR. ( )	84.50			X	
	2. GLORIA RAMIREZ ( )	84.50			X	
<b>SAN XAVIER</b> 193.8	1. FELICIA NUÑEZ ( )	96.90	X			X
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90	X			
<b>SCHUK TOAK</b> 146.9	1. FRANCES B. CONDE ( )	73.45	X			X
	2. PHYLLIS JUAN ( )	73.45	X			
<b>SELLS</b> 421.0	1. MARLENE SARAFICIO-JUAN ( )	210.50	X			
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50	X			
<b>SIF OIDAK</b> 186.7	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Martinez)	93.35	X			
<b>TOTAL</b>		<b>2,440.80</b>	<b>2,271.8</b>	<b>-0-</b>	<b>169.0</b>	<b>[04]</b>

\*\*PASSED VOTES