

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving an Investment Services Agreement Between the Tohono O'odham**  
**Nation and Bank of America/U.S. Trust)**

**RESOLUTION NO. 16-264**

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power "to manage any**  
2 **funds within the exclusive control of the Tohono O'odham Nation" and to**  
3 **negotiate and conclude agreements on behalf of the Nation (Constitution of the**  
4 **Tohono O'odham Nation, Article VI, Section 1(d)(2) and 1(f)); and**

5 **WHEREAS, on December 22, 1995, the Tohono O'odham Nation ("Nation") entered into an**  
6 **agreement with Bank of America to manage the Nation's investments**  
7 **("Investment Management Agreement"), which was approved by Legislative**  
8 **Council Resolution No. 95-590; and**

9 **WHEREAS, the Investment Management Agreement was subsequently amended by**  
10 **Legislative Council Resolution No. 01-214; and**

11 **WHEREAS, Bank of America/U.S. Trust has requested that the Nation enter into a new**  
12 **Investment Services Agreement, which will supersede the Investment**  
13 **Management Agreement approved by Legislative Council Resolution No. 95-590,**  
14 **in order to update the terms and conditions of the Investment Management**  
15 **Agreement and to continue to manage the Nation's investments; and**

16 **WHEREAS, the Nation's treasurer, the Nation's investment consultant, Portfolio Evaluations,**  
17 **have reviewed the Investment Services Agreement as amended by the Investment**  
18 **Services Agreement Addendum ("Investment Services Agreement"), which is**  
19 **incorporated by this reference; and**

20 **WHEREAS, the Nation's Investment Committee, which is comprised of the Budget and**  
21 **Finance Committee, the Nation's treasurer, and the Nation's chairperson,**  
22 **reviewed the Investment Services Agreement and recommends its approval.**

23 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council:**

- 24 **1. approves the Investment Services Agreement between the Tohono**  
25 **O'odham Nation and Bank of America/U.S. Trust.**
- 26 **2. grants a limited waiver of the sovereign immunity of the Nation, in**  
27 **accordance with, and subject to the limitations of, the terms of the**  
28 **Investment Services Agreement, but such waiver shall not extend to any**  
29 **other transactions or subjects.**
- 30 **3. authorizes and directs the chairperson of the Nation and the chairperson**

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**(Approving an Investment Services Agreement Between the Tohono O'odham Nation and Bank of America/U.S. Trust)**

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1 of the Investment Committee to execute the Investment Services  
2 Agreement, in substantially the form attached, and to issue written  
3 instructions and take such other actions as may be necessary to  
4 implement this resolution.

5 4. authorizes the Legislative Council secretary to issue certifications to Bank  
6 of America/U.S. Trust that identify the members of the Investment  
7 Committee, the chairperson of the Nation, the vice-chairperson of the  
8 Nation and the Nation's treasurer to confirm the authority of such persons  
9 to act on behalf of the Nation under the Investment Services Agreement.

10 5. amends and fully reinstates the Investment Management Contract, dated  
11 December 22, 1995, upon execution of the Investment Services Agreement  
12 by all parties.

13 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 17<sup>TH</sup> day  
14 of JUNE, 2016 at a meeting at which a quorum was present with a vote of 3,021.4 FOR; -0- AGAINST;  
15 -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Article VI,  
16 Section 1(d)(2) and (f) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono  
17 O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -  
18 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934  
19 (48 Stat.984).

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22 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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26 Timothy Joaquin, Legislative Chairman

27 20 day of June, 2016  
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31 ATTEST:

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34 Evonne Wilson, Legislative Secretary

35 20 day of June, 2016  
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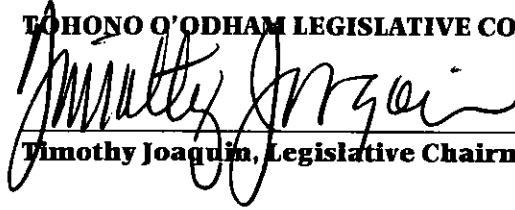
38 Said Resolution was submitted for approval to the office of the Chairman of the Tohono  
39 O'odham Nation on the 20 day of June, 2016 at 3:49 o'clock, P.M.,  
40 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become  
41 effective upon his approval or upon his failure to either approve or disapprove it within 48  
42 hours of submittal.  
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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

  
\_\_\_\_\_  
**Timothy Joaquin, Legislative Chairman**

**APPROVED**

on the 22 day of June, 2016

**DISAPPROVED**

at 11:02 o'clock, a. .m.

  
\_\_\_\_\_  
**EDWARD D. MANUEL, CHAIRMAN**  
**TOHONO O'ODHAM NATION**

**Returned to the Legislative Secretary on the 22 day of**

June, 2016, at 100 o'clock, A .m.

  
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**Evonne Wilson, Legislative Secretary**

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**ACTION: APPROVING AN INVESTMENT SERVICES AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION AND BANK OF AMERICA/U.S. TRUST**

**Moved: COUNCILWOMAN BARBARA HAVIER**

**SECOND: COUNCILMAN QUINTIN C. LOPEZ**

**DATE: JUNE 17, 2016**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (Roberta E. Harvey)	183.60	X			
	2. VERNON J. SMITH (Gloria Zazueta)	183.60	X			
CHUKUT KUK 332.1	1. ETHEL GARCIA (Marlakay K. Henry)	166.05	X			
	2. BILLMAN LOPEZ (Patricia Vicenti)	166.05	X			
GUACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50	X			
	2. LORETTA LEWIS ( )	132.50	X			
GU VO 250.6	1. GRACE MANUEL (Dallas Lewis)	125.30	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	125.30	X			
HICKIWAN 205.8	1. LOUIS R. LOPEZ (Shirley Molina)	102.90	X			
	2. SANDRA ORTEGA ( )	102.90	X			X
PISINEMO 219.9	1. CHESTER ANTONE ( )	109.95	X			
	2. MONICA K. MORGAN ( )	109.95	X			
SAN LUCY 226.5	1. DIANA MANUEL ( )	113.25	X			
	2. JANA MONTANA (Gloria Ramirez)	113.25	X			
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III ( )	114.3	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.3	X			X
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ( )	90.3	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.3	X			
SELLS 513.5	1. ARTHUR WILSON (Absent) (Beverly Rivas) (Present)	256.75	X			
	2. BARBARA HAVIER ( )	256.75	X			
SIF Oidak 231.6	1. LUCINDA ALLEN (Nicholas Jose)	115.80	X			
	2. MARY LOPEZ ( )	115.80	X			X
<b>TOTAL</b>		<b>3,021.4</b>	<b>3,021.4</b>	<b>-0-</b>	<b>-0-</b>	<b>[03]</b>