

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving an Agreement Between the Tohono O'odham Nation and PNC Bank
and Authorizing the Opening of New Accounts with PNC Bank for the Purpose
of Providing Treasury Management Services to the Tohono O'odham
Nation's Hospital and Clinics Division)**

RESOLUTION NO. 16-579

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power "to manage**
2 **any 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, Sections 1(d)(2) and 1(f)); and**

5 **WHEREAS, by Resolution No. 91-042 the Tohono O'odham Legislative Council adopted a**
6 **Financial Investment Policy that was subsequently amended by Resolution Nos.**
7 **01-213, 08-608, 14-198, and 15-349, which provides that the Tohono O'odham**
8 **Legislative Council may authorize the creation of new investment accounts for**
9 **the Nation; and**

10 **WHEREAS, the Tohono O'odham Nation will receive self-governance funds from the U.S.**
11 **Department of Health and Human Services for Title V program revenue, third-**
12 **party program revenue, and other revenue received from internal sales**
13 **occurring at the hospital and clinics pursuant to the self-governance compact**
14 **executed with the U.S. Department of Health and Human Services, Indian Health**
15 **Service; and**

16 **WHEREAS, the PNC Bank currently provides Treasury Management Services to the U.S.**
17 **Department of Health and Human Services, Indian Health Service wherein these**
18 **services include lockbox services to collect third party program revenues; and**

19 **WHEREAS, the Nation's Controller, Treasurer, and Grants and Contracts Manager have**
20 **recommended that the Nation obtain lockbox services from PNC Bank to collect**
21 **third party program revenues while the Nation transitions into managing the**
22 **hospital and clinics division within the Nation's Department of Health and**
23 **Human Services; and**

24 **WHEREAS, the Tohono O'odham Nation has negotiated an agreement with PNC Bank for the**
25 **provision of Treasury Management Services to the Nation's Hospital and Clinics**
26 **Division; and**

RESOLUTION NO. 16-579

(Approving an Agreement Between the Tohono O'odham Nation and PNC Bank and Authorizing the Opening of New Accounts with PNC Bank for the Purpose of Providing Treasury Management Services to the Tohono O'odham Nation's Hospital and Clinics Division)

Page 2 of 4

1 **WHEREAS, the Nation's Health and Human Services Committee and Investment Committee,**
2 **comprised of the Budget and Finance Committee, the Nation's Treasurer, and**
3 **the Nation's Chairperson, has reviewed the Treasury Management Services**
4 **Agreement and recommends its approval; and**

5 **WHEREAS, the Health and Human Services and Investment Committees also recommends**
6 **the establishment of the new lockbox accounts for collecting third-party**
7 **program revenue; and**

8 **WHEREAS, the new account will be identified as the TON - Third Party Revenue LockBox**
9 **Account at PNC Bank.**

10 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
11 **Treasury Management Services Agreement between the Tohono O'odham Nation**
12 **and PNC Bank substantially in the form attached hereto and authorizes the**
13 **Chairman of the Nation to execute it and to issue written instructions and take**
14 **such other actions as may be deemed necessary to implement this resolution.**

15 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council grants a limited**
16 **waiver of the Nation's sovereign immunity in accordance with, and subject to**
17 **the limitations of, the terms of the Agreement, but such waiver shall not extend**
18 **to any other transactions or subjects.**

19 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council authorizes the**
20 **Nation's Treasurer to establish new lockbox accounts with PNC Bank for the**
21 **purpose of collecting third-party program revenue.**

22 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council authorizes the**
23 **Legislative Council Secretary to issue certificates to PNC Bank that identify the**
24 **Nation's Chairperson, Vice-Chairperson, and Treasurer to confirm the authority**
25 **of such persons to act on behalf of the Nation under the Agreement in**
26 **accordance with Legislative Council Resolution No. 190-88 as amended by**
27 **Resolution No. 06-466.**

28

RESOLUTION NO. 16-579

(Approving an Agreement Between the Tohono O'odham Nation and PNC Bank and Authorizing the Opening of New Accounts with PNC Bank for the Purpose of Providing Treasury Management Services to the Tohono O'odham Nation's Hospital and Clinics Division)

Page 3 of 4

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07TH day of DECEMBER, 2016 at a meeting at which a quorum was present with a vote of 3,021.4 FOR; -0- AGAINST; -0- NOT VOTING; and [07] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(d)(2) and (f) 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

Timothy Joaquin

Timothy Joaquin, Legislative Chairman

9 day of December, 2016

ATTEST:

Evonne Wilson

Evonne Wilson, Legislative Secretary

9 day of December, 2016

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 9 day of December, 2016 at 12:00 o'clock, P.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

Timothy Joaquin

Timothy Joaquin, Legislative Chairman

APPROVED

on the 9 day of December, 2016

DISAPPROVED

at 1:16 o'clock, P.M.

Edward D. Manuel
EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

RESOLUTION NO. 16-579

(Approving an Agreement Between the Tohono O'odham Nation and PNC Bank and Authorizing the Opening of New Accounts with PNC Bank for the Purpose of Providing Treasury Management Services to the Tohono O'odham Nation's Hospital and Clinics Division)

Page 4 of 4

Returned to the Legislative Secretary on the 9 day of
December, 2016, at 1:48 o'clock, p.m.



Evonne Wilson, Legislative Secretary

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

ACTION: APPROVING AN AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION AND PNC BANK AND AUTHORIZING THE OPENING OF NEW ACCOUNTS WITH PNC BANK FOR THE PURPOSE OF PROVIDING TREASURY MANAGEMENT SERVICES TO THE TOHONO O'ODHAM NATION'S HOSPITAL AND CLINICS DIVISION

MOVED: COUNCILMAN DANIEL L.A. PRESTON III

SECOND: COUNCILWOMAN ETHEL GARCIA

DATE: DECEMBER 07, 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			
GU ACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50	X			
	2. LORETTA LEWIS ()	132.50	X			X
GU VO 250.6	1. GRACE MANUEL (Dallas Lewis)	125.30	X			
	2. PAMELA ANGHILL (Absent) (Jeffery Antone, Sr.) (Present)	125.30	X			X
HICKIWAN 205.8	1. LOUIS R. LOPEZ (Shirley Molina)	102.90	X			
	2. SANDRA ORTEGA ()	102.90	X			
PISINEMO 219.9	1. CHESTER ANTONE ()	109.95	X			X
	2. MONICA K. MORGAN ()	109.95	X			
SAN LUCY 226.5	1. DIANA MANUEL (Absent) (Lorraine Eiler) (Present)	113.25	X			
	2. JANA MONTANA (Gloria Ramirez)	113.25	X			X
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III (Felicia Nunez)	114.3	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.3	X			X
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. (Mario J.B. Juan)	90.3	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.3	X			
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75	X			
	2. BARBARA HAVIER ()	256.75	X			X
SIF OIDAK 231.6	1. LUCINDA ALLEN ()	115.80	X			
	2. MARY LOPEZ ()	115.80	X			X
TOTAL		3,021.4	3,021.4	-0-	-0-	[07]