

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving Amendment No. 1 to the Tohono O'odham Nation Per Capita Trust)**

**RESOLUTION NO. 17-552**

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council**  
2 **with the authority to "manage any funds within the exclusive control of the**  
3 **Tohono O'odham Nation. . ." and to "consult, negotiate and conclude**  
4 **agreements and contracts on behalf of the Tohono O'odham Nation with**  
5 **Federal, State and local governments and other Indian tribes or their**  
6 **departments, agencies, or political subdivisions, or with private persons or**  
7 **organizations on all matters within the authority of the Tohono O'odham**  
8 **Council" (Constitution, Article VI, Section 1(d)(2) and Section 1(f)); and**

9 **WHEREAS, by Resolution No. 06-258 the Tohono O'odham Nation adopted the Tohono**  
10 **O'odham Nation Per Capita Trust, a Trust to hold per capita funds for the benefit**  
11 **of minors and legally incompetent members pursuant to the resolutions of the**  
12 **Tohono O'odham Nation and the Indian Gaming Regulatory Act (the "Trust");**  
13 **and**

14 **WHEREAS, Section 4.13(b) of the Trust prohibits garnishment of benefits payable to**  
15 **Beneficiaries of the Trust; and**

16 **WHEREAS, Section 4.12(a) of the Trust allows amendments to the Trust by Legislative**  
17 **Council resolution, provided that the amendment does not conflict with the**  
18 **terms of the Revenue Allocation Plan, divert assets to other purposes before**  
19 **Beneficiaries are paid, or makes the Trust revocable before Beneficiaries are**  
20 **paid; and**

21 **WHEREAS, the Nation desires to permit garnishment in the future due in part to comply**  
22 **with the Federal Debt Collection Procedure (28 U.S.C. §3001 et seq.); and**

23 **WHEREAS, Amendment No. 1 to the Tohono O'odham Nation Per Capita Trust creates an**  
24 **exception to Section 4.13(b) and adds a new Section, 4.15, to the Trust that allows**  
25 **for garnishment of per capita payments, provided certain conditions are**  
26 **satisfied; and**

27 **WHEREAS, the Investment Committee has reviewed and recommends approval of the**  
28 **proposed Amendment No. 1 to the Tohono O'odham Nation Per Capita Trust as**  
29 **authorized by Section 4.12(a) of the Trust.**

30 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves of**  
31 **and adopts Amendment No. 1 to the Tohono O'odham Nation Per Capita Trust,**  
32 **effective beginning on December 1, 2017, and that the Tohono O'odham Nation**  
33 **Chairperson is authorized to execute Amendment No. 1 in substantially the form**  
34 **attached.**

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 15<sup>TH</sup> day of NOVEMBER, 2017 at a meeting at which a quorum was present with a vote of 2,348.4 FOR; 736.2 AGAINST; -0- NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(d)(1), 1(d)(2) and 1(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 C. Joaquin*

Timothy Joaquin, Legislative Chairman

28 day of November, 2017

ATTEST:

*Evonne Wilson*

Evonne Wilson, Legislative Secretary

28 day of November, 2017

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 28 day of November, 2017 at 3:36 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 C. Joaquin*

Timothy Joaquin, Legislative Chairman

APPROVED

on the 28 day of November, 2017

DISAPPROVED

at 6:43 o'clock, P.M.

*Edward D. Manuel*

EDWARD D. MANUEL, CHAIRMAN

TOHONO O'ODHAM NATION

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**RESOLUTION NO. 17-552**

**(Approving Amendment No. 1 to the Tohono O'odham Nation Per Capita Trust)**

**Page 3 of 3**

1 Returned to the Legislative Secretary on the 29 day of  
2  
3 November, 2017, at 11:10 o'clock, A.m.  
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8 **Evonne Wilson, Legislative Secretary**  
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ACTION: APPROVING AMENDMENT NO. 1 TO THE TOHONO O'ODHAM NATION PER CAPITA TRUST

MOVED: COUNCILWOMAN LUCINDA J. ALLEN

SECOND: COUNCILMAN LEANDER MASE

DATE: NOVEMBER 15, 2017

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 235.8	1. MARY LOPEZ ( ) 2. LUCINDA ALLEN (Yolonda Garcia)	117.9 117.9	X X			
SELLS 527.2	1. ARTHUR WILSON ( ) 2. ADRIANNE TILLER (Idaleen Reyes)	263.6 263.6		X X		X
SCHUK TOAK 185.7	1. ANTHONY J. FRANCISCO JR. (Teresa F. Donahue) 2. QUINTIN C. LOPEZ (Agnes V. Joaquin)	92.85 92.85	X	X		
SAN XAVIER 232.3	1. DANIEL L.A. PRESTON III (Felicia Nunez) 2. JANICE FELIX ( )	116.15 116.15	X	X		
SAN LUCY 231.1	1. JANA MONTANA (Diana Manuel) 2. GLORIA RAMIREZ (Lorraine Eiler)	115.55 115.55	X X			
PISINEMO 225.9	1. CHESTER ANTONE (Caroline D. Garcia) 2. MONICA K. MORGAN ( )	112.95 112.95	X X			X
HICKIWAN 209.0	1. LOUIS R. LOPEZ (Shirley Molina) 2. SANDRA D. ORTEGA ( )	104.5 104.5	X X			X
GU VO 256.9	1. GRACE MANUEL ( ) 2. DALLAS LEWIS (Nacho Flores)	128.45 128.45	X X			X
GU ACHI 270.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson) 2. LORETTA LEWIS (Victoria Hobbs)	135.45 135.45	X X			
CHUKUT KUK 337.7	1. BILLMAN LOPEZ (Patricia Vicenti) 2. VIVIAN JUAN-SAUNDERS (Juanita Homer)	168.85 168.85	X X			X
BABOQUIVARI 372.1	1. FRANCES MIGUEL ( <i>Absent</i> ) (Roberta E. Harvey) ( <i>Present</i> ) 2. LEANDER MASE ( )	186.05 186.05	X X			
<b>TOTAL</b>		<b>3,084.6</b>	<b>2,348.4</b>	<b>736.2</b>	<b>-0-</b>	<b>[05]</b>