

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving Advisory Services Agreement between the Tohono O'odham Nation and**  
**CapFinancial Partners, LLC dba/CAPTRUST for the Nation's 401(K) Retirement Plan)**

**RESOLUTION NO. 26-003**

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation ("Nation") vests the Legislative  
2 Council with the authority to "promote, protect and provide for public health,  
3 peace, morals, education and general welfare of the Tohono O'odham Nation and  
4 its members" and to "consult, negotiate and conclude agreements and contracts  
5 on behalf of the Tohono O'odham Nation...with private persons or organizations  
6 on all matters within the authority of the Tohono O'odham Council"  
7 (Constitution, Article VI, Section 1(c)(2) and (f)); and  
8 **WHEREAS,** the Constitution of the Tohono O'odham Nation ("Nation") also vests the  
9 Legislative Council with the authority "to manage any funds within the exclusive  
10 control of the Tohono O'odham Nation . . . and to appropriate these funds for the  
11 benefit of the nation and its members" and "to adopt, approve and amend annual  
12 budgets and to authorize the expenditure of funds in accordance with these  
13 budgets." (Constitution, Article VI, Section 1(d)(2) and (3)); and  
14 **WHEREAS,** the Investment Committee of the Tohono O'odham Nation provides oversight for  
15 the financial investments of the Nation; and  
16 **WHEREAS,** based on the recommendation of the Investment Committee, the Legislative  
17 Council has for some years selected Principal Financial Trust as the custodian  
18 and manager of the Nation's 401(K) Retirement Plan; and  
19 **WHEREAS,** since FY 2009, the Nation retained CapFinancial Partners, LLC dba/CAPTRUST,  
20 formerly known as Portfolio Evaluations, Inc. as an independent investment  
21 consultant to advise the Nation regarding the investment choices made or  
22 recommended by Principal Financial Trust and by any subsequent or additional  
23 investment advisors that may be retained by the Nation; and  
24 **WHEREAS,** the investment consultant will report as reasonably necessary to the Investment  
25 Committee and will, at a minimum, provide two presentations per year to the full  
26 Legislative Council; and  
27 **WHEREAS,** the term of the CapFinancial Partners, LLC dba/CAPTRUST Advisory Services  
28 Agreement ("Agreement") shall be effective October 1, 2025, and shall remain in  
29 full force and effect until terminated in accordance with the provisions therein;  
30 and  
31



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1 **WHEREAS,** the source of funds for the consultant fees will be paid from the Office of the  
2 Treasurer's annual fiscal year budget which is funded by the Nation's general  
3 fund; and

4 **WHEREAS,** the Agreement contains certain terms and conditions that require the Nation to  
5 grant a limited waiver of its sovereign immunity to CapFinancial Partners, LLC  
6 dba/CAPTRUST; and

7 **WHEREAS,** the Office of the Treasurer submits for review and approval the Agreement and  
8 requests a limited waiver of the Nation's sovereign immunity under the following  
9 conditions:

10 "Limited Waiver of Sovereign Immunity. The Nation hereby provides a limited  
11 waiver of sovereign immunity for the purpose of resolving any dispute that arises  
12 out of this Agreement, and as may be necessitate by any claims of  
13 indemnification. Nothing in this limited waiver shall be deemed to waive the  
14 Nation's immunity from suit except as to a case/claim brought by CapFinancial  
15 Partners, LLC dba/CAPTRUST alleging a breach of this Agreement and to seek  
16 injunctive relief. Damages are limited to direct contractual damages. The  
17 Nation's Attorney General is authorized to accept service on behalf of the Nation."

18 **WHEREAS,** the Investment Committee of the Legislative Council has reviewed the  
19 Agreement, including the proposed limited waiver of the Nation's sovereign  
20 immunity; finds that it is in the best interest of the Nation to grant this limited  
21 waiver and recommend its approval.

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

- 23 1. Approves the Advisory Services Agreement with CapFinancial Partners, LLC  
24 dba/CAPTRUST for the Nation's 401(K) Retirement Plan, effective October 1,  
25 2025, and remain in full force and effect until terminated in accordance with  
26 the provisions therein; and
- 27 2. Approves and authorizes a limited waiver of the Nation's sovereign immunity  
28 in favor of CapFinancial Partners, LLC dba/CAPTRUST under the specific  
29 conditions described therein; and
- 30 3. Approves the consultant fees to be paid from the Office of the Treasurer's  
31 annual fiscal year budget which is funded by the Nation's general fund; and
- 32 4. Authorizes the Chairman of the Nation to execute the agreement, in  
33 substantially the form attached, provided that any amendments to the



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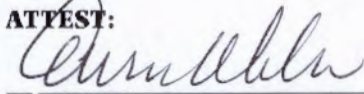
Advisory Services Agreement shall be presented to the Legislative Council for prior approval.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12<sup>TH</sup> day of JANUARY 2026 at a meeting at which a quorum was present with a vote of 3,321.1 FOR; -0- AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(c)(2) and (f); Article VI, Section 1(d)(2) and (3) 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

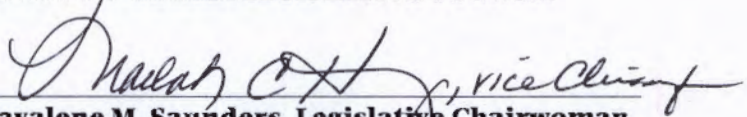
  
Wavalene M. Saunders, Legislative Chairwoman  
16<sup>th</sup> day of January, 2026

ATTEST:

  
Evonne Wilson, Legislative Secretary  
15 day of January, 2026

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 16<sup>th</sup> day of January, 2026 at 9:24 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

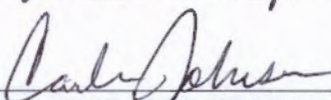
  
Wavalene M. Saunders, Legislative Chairwoman

☒ APPROVED

on the 16 day of January, 2026

☐ DISAPPROVED

at 2:07 o'clock, P .m.

  
VERLON M. JOSE, CHAIRMAN  
TOHONO O'ODHAM NATION  
Vice-Chairwoman on behalf

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Returned to the Legislative Secretary on the 16 day of  
January, 2026, at 2:00 o'clock, p.m.

Evonne Wilson  
Evonne Wilson, Legislative Secretary



**ACTION: APPROVING ADVISORY SERVICES AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION AND CAPFINANCIAL PARTNERS, LLC DBA/CAPTRUST FOR THE NATION'S 401(K) RETIREMENT PLAN**

**MOVED: COUNCILWOMAN THEORIA CAMPILLO**

**SECOND: COUNCILWOMAN EVELYN JUAN MANUEL**

**DATE: JANUARY 12, 2026**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 251.2	1. WAVALENE M. SAUNDERS (Mary Lopez) 2. FRANCIS HOMEWYTEWA ( )	125.6 125.6	X X			X
SELLS 565.7	1. JANET B. ELEANDO ( ) 2. EVELYN JUAN MANUEL (Juan Buendia)	282.85 282.85	X X			
SCHUK TOAK 195.3	1. THEORIA CAMPILLO (Rebecca Ann Valentine) 2. DELISA M. RAMON (Quintin C. Lopez)	97.65 97.65	X X			
SAN XAVIER 249.8	1. DANIEL L.A. PRESTON III ( ) 2. JANICE FELIX ( )	124.9 124.9	X X			X
SAN LUCY 266.3	1. GLORIA M. RAMIREZ (Lorraine M. Eiler) 2. ROGER MANUEL (Christina Andrews)	133.15 133.15	X X			
PISINEMO 240.3	1. PAMELA J. BENAVIDEZ (Nora J. Ruelas) 2. NAOMI MONTE (Edward D. Manuel)	120.15 120.15	X X			
HICKIWAN 222.9	1. LOUIS R. LOPEZ (Loretta A. Ortega) 2. DELMA M. GARCIA ( )	111.45 111.45	X X			X
GU VO 279.6	1. LESLIE LUNA ( ) 2. BENNETT CHEWING ( )	139.8 139.8	X X			
GU ACHI 289.2	1. JEROME F. JOAQUIN (Gloria Johnson) 2. LUCIUS E. LOPEZ (Absent) (Victoria A. Hobbs) (Present)	144.6 144.6	X X			
CHUKUT KUK 361.9	1. MARLAKAY HENRY ( ) 2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	180.95 180.95	X X			
BABOQUIVARI 398.9	1. JESSE NAVARRO (Alberta J. Ray) 2. NED NORRIS, JR. (Leander Mase)	199.45 199.45	X X			
TOTAL		3,321.1	3,321.1	-0-	-0-	[03]