

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Authorizing and Requesting the U.S. Department of the Interior Office of Special Trustee to**  
**Distribute the Tohono O'odham Nation's Funds from an Escrow Account Held at the U.S.**  
**Department of Interior Office of Special Trustee and Close the Account)**

RESOLUTION NO. 12-062

1 **WHEREAS, the Constitution of the Tohono O'odham Nation ("Nation") vests the Tohono O'odham**  
2 **Legislative Council ("Council") with legislative and fiscal powers, including the power**  
3 **"to manage any funds within the exclusive control of the Tohono O'odham Nation,**  
4 **including proceeds derived from lands and resources of the Tohono O'odham Nation"**  
5 **(Constitution, Article VI, Section 1(d)(2)); and**

6 **WHEREAS, the U.S. Department of the Interior Office of Special Trustee held funds derived from**  
7 **the Tucson Interim Water Lease in escrow; and**

8 **WHEREAS, the SAWRSA Amendments of 2004, at Section 309(l), directed that "The Secretary shall**  
9 **disburse to the Nation, without condition, all proceeds from the Tucson interim water**  
10 **lease"; and**

11 **WHEREAS, on March 3, 2011, the U.S. Department of the Interior Office of Special Trustee**  
12 **reported there is no longer a need to hold the funds in escrow; and**

13 **WHEREAS, the funds available for distribution is \$5,802,164.49 in the Escrow account ending 1019**  
14 **as of January 31, 2012; and**

15 **WHEREAS, it is recommended that the Nation receive the funds from the Office of Special Trustee**  
16 **and invest the funds in a separate account at the Bank of America until the Tohono**  
17 **O'odham Legislative Council appropriates the funds or otherwise directs the handling**  
18 **of the funds; and**

19 **WHEREAS, it is also recommended that the Nation close the escrow account maintained by the**  
20 **Office of Special Trustee after the distribution has been completed by the U.S.**  
21 **Department of the Interior Office of Special Trustee; and**

22 **WHEREAS, the Investment Committee supports drawing down these funds at this time and**  
23 **investing it in a separate account at the Bank of America; and**

24 **WHEREAS, the Nation's Treasurer recommends that these funds be drawn down into the Nation's**  
25 **General Checking Account at Bank of America and subsequently transferred into a**  
26 **separate account at the Bank of America/U.S. Trust.**

27 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby**  
28 **authorizes and requests the U.S. Department of the Interior Office of Special Trustee**  
29 **to distribute the Tohono O'odham Nation's funds from the Escrow account held at the**

**RESOLUTION NO. 12-062**

**(Authorizing and Requesting the U.S. Department of the Interior Office of Special Trustee to Distribute the Tohono O'odham Nation's Funds from an Escrow Account Held at the U.S. Department of Interior Office of Special Trustee and Close the Account)**

**Page 2 of 3**

1 U.S. Department of Interior Office of Special Trustee in the following amounts, or  
2 whatever amount is current at the time of distribution:

3 Escrow Account Account ending 1019 \$5,802,164.49

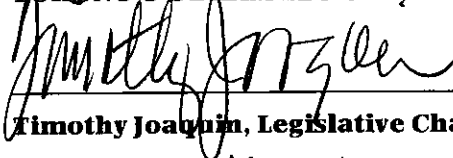
4 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council authorizes the release  
5 of the applicable wire instructions for the Nation's General Checking Account at Bank  
6 of America to the U.S. Department of Interior Office of Special Trustee to facilitate the  
7 distribution of the funds.

8 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council authorizes and requests  
9 that the Escrow Account be closed after the U.S. Department of Interior Office of  
10 Special Trustee completes the distribution of the funds.

11 **BE IT FINALLY RESOLVED** that the Tohono O'odham Legislative Council authorizes the  
12 establishment of a separate account at Bank of America/U.S. Trust to invest these  
13 funds until the Tohono O'odham Legislative Council appropriates the funds or  
14 otherwise directs the handling of the funds.


15 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 29<sup>TH</sup> Day  
16 of FEBRUARY, 2012 a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0-  
17 AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Section  
18 1 (d)(2) of Article VI of the Constitution of the Tohono O'odham Nation, adopted by the Tohono  
19 O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -  
20 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48  
21 Stat. 984).

22 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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24 \_\_\_\_\_  
25 Timothy Joaquin, Legislative Chairman

26  
27 1 day of March, 2012

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30 **ATTEST:**

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33 Evonne Wilson, Legislative Secretary

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35 29 day of February, 2012.  
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**RESOLUTION NO. 12-062**

**(Authorizing and Requesting the U.S. Department of the Interior Office of Special Trustee to Distribute the Tohono O'odham Nation's Funds from an Escrow Account Held at the U.S. Department of Interior Office of Special Trustee and Close the Account)**

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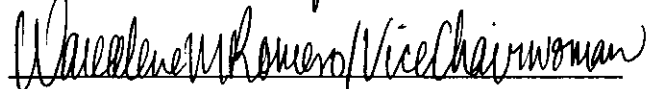
1 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham**  
2 **Nation on the 1 day of March, 2012 at 3:30 o'clock, P.M.,**  
3 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**  
4 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**  
5 **submittal.**

6 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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9 **Timothy Joaquin, Legislative Chairman**

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13  **APPROVED** on the 1 day of March, 2012

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15  **DISAPPROVED** at 4:00 o'clock, P.M.

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18 **NED NORRIS, JR., CHAIRMAN**  
19 **TOHONO O'ODHAM NATION**

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23 **Returned to the Legislative Secretary on the 01 day of**

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25 March, 2012, at 4:10 o'clock, P.M.

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28 **Evonne Wilson, Legislative Secretary**

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**ACTION:** AUTHORIZING AND REQUESTING THE U.S. DEPARTMENT OF THE INTERIOR OFFICE OF SPECIAL TRUSTEE TO DISTRIBUTE THE TOHONO O'ODHAM NATION'S FUNDS FROM AN ESCROW ACCOUNT HELD AT THE U.S. DEPARTMENT OF INTERIOR OFFICE OF SPECIAL TRUSTEE AND CLOSE THE ACCOUNT

**MOVED:** COUNCILWOMAN EVELYN JUAN MANUEL

**SECOND:** COUNCILWOMAN LORRAINE EILER

**DATE:** FEBRUARY 29, 2012

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	171.0	X			
<b>CHUKUT KUK</b> 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X			
	2. BILLMAN LOPEZ ( )	151.10	X			X
<b>GU ACHI</b> 244.9	1. TIMOTHY L. JOAQUIN (Rose Johnson Antone)	122.45	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45	X			X
<b>GU VO</b> 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X			
	2. PAMELA ANGHILL ( <i>Absent</i> ) (Roselda Lewis)( <i>Present</i> )	113.35	X			
<b>HICKIWAN</b> 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ( )	93.15	X			X
<b>PISINEMO</b> 200.7	1. CHESTER ANTONE (Tony Murrietta)	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
<b>SAN LUCY</b> 204.6	1. LORRAINE EILER ( )	102.30	X			
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
<b>SAN XAVIER</b> 215.8	1. HILARION CAMPUS ( )	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X			
<b>SCHUK TOAK</b> 169.8	1. FRANCES B. CONDE (Anthony J. Rios)	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
<b>SELLS</b> 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85	X			
	2. EVELYN B. JUAN MANUEL ( )	237.85	X			
<b>SIF OIDAK</b> 211.9	1. NICHOLAS JOSE ( )	105.95	X			
	2. MARY LOPEZ ( )	105.95	X			
<b>TOTAL</b>		<b>2,780.60</b>	<b>2,780.60</b>	<b>-0-</b>	<b>-0-</b>	<b>[03]</b>