

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Portfolio Evaluations, Inc. as an Investment Consultant)

RESOLUTION NO. 09-293

1 **WHEREAS, the Investment Committee of the Tohono O'odham Nation provides oversight over the**
2 **financial investments of the Nation; and**

3 **WHEREAS, based on the recommendation of the Investment Committee, the Legislative Council**
4 **has for some years selected the Bank of America as the custodian and manager of the**
5 **Nation's invested funds, and has made investment decisions based on the advice of the**
6 **Bank of America; and**

7 **WHEREAS, the Investment Committee has recommended that an independent third party**
8 **investment consultant be retained to advise the Nation regarding the investment**
9 **choices made or recommended by the Bank of America and by any subsequent or**
10 **additional investment advisors that may be retained by the Nation; and**

11 **WHEREAS, the Investment Committee circulated a request for proposals and received ten**
12 **responses, and from these responding companies selected three companies for**
13 **interview, and based on these interviews has selected Portfolio Evaluations, Inc., to**
14 **recommend to the Legislative Council as the independent Investment Consultant for**
15 **the Nation; and**

16 **WHEREAS, the Investment Consultant will report as reasonably necessary to the Investment**
17 **Committee and will report twice yearly to the full Legislative Council; and**

18 **WHEREAS, the Investment Committee has negotiated an Investment Consultant Contract with**
19 **Portfolio Evaluations, Inc., and proposes to pay the consultant a flat retainer fee of**
20 **\$115,000.00 per year for services relating to the Nation's investment portfolio and the**
21 **401(k) retirement plan, under a contract extending until September 30, 2010, with a**
22 **prorated retainer fee of \$38,300.00 for the initial partial year commencing on June 1,**
23 **2009 and ending on September 30, 2009; and**

24 **WHEREAS, the source of funds for the consultant fee will be the investment accounts of the**
25 **Nation.**

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

- 27 **1. Approves the selection of Portfolio Evaluations, Inc., as the Investment Consultant**
28 **for the Nation; and**
- 29 **2. Approves the Investment Consultant Contract with Portfolio Evaluations, Inc.,**
30 **substantially in the form attached hereto, and authorizes the Chairman of the**
31 **Nation to execute it, provided that any amendments or extensions to the**
32 **Investment Consultant Contract shall be presented to the Legislative Council for**
33 **further approval.**

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 22ND. Day of MAY, 2009 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0- AGAINST; -0- NOT VOTING; and [04]ABSENT, pursuant to the powers vested in the Council by Article VI Section 1 (d)(2)&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

Verlon Jose
Verlon M. Jose, Legislative Chairman

28 day of May, 2009

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary

22 day of May, 2009.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 28 day of May, 2009 at 5:06 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

Verlon Jose
Verlon M. Jose, Legislative Chairman

APPROVED

on the 28 day of May, 2009

DISAPPROVED

at 6:20 o'clock, P.M.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 29 day of

May, 2009, at 9:30 o'clock, a.M.

Evonne Wilson

Evonne Wilson, Legislative Secretary

ACTION: APPROVING PORTFOLIO EVALUATIONS, INC. AS AN INVESTMENT CONSULTANT

MOVED: COUNCILWOMAN OLIVIA VILLEGAS-LISTON SECOND: COUNCILWOMAN EVELYN JUAN MANUEL

DATE: MAY 22, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (Vernon Smith)	158.45	X			X
CHUKUT KUK 264.8	1. ETHEL GARCIA ()	132.40	X			
	2. VERLON M. JOSE ()	132.40	X			
GU ACHI 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ()	113.95	X			
GU VO 199.2	1. GRACE MANUEL ()	99.60	X			X
	2. RAYMOND VICTOR ()	99.60	X			
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00	X			X
	2. SANDRA ORTEGA (Louie Lopez)	86.00	X			
PISINEMO 182.4	1. CHESTER ANTONE (<i>Absent</i>) (Tony Murrietta) (<i>Present</i>)	91.20	X			
	2. GERALD FAYUANT ()	91.20	X			
SAN LUCY 181.1	1. LORRAINE EILER ()	90.55	X			
	2. GLORIA RAMIREZ ()	90.55	X			
SAN XAVIER 196.5	1. FELICIA NUÑEZ ()	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			
SCHUK TOAK 154.6	1. FRANCES B. CONDE (<i>Absent</i>) (Frederick Jose) (<i>Present</i>)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
SELLS 444.7	1. KIMBERLY LISTO ()	222.35	X			
	2. EVELYN B. JUAN MANUEL ()	222.35	X			
SIF OIDAK 194.4	1. WAVALENE ROMERO ()	97.20	X			X
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	2,534.5	-0-	-0-	[04]

**PASSED VOTES