RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the Tax Penalty Settlement Agreement between the Tohono O'odham Nation and Francisco Enterprises, LLC)

RESOLUTION NO. 15-413

WHEREAS, the Tohono O'odham Legislative Council is vested with the power to “exercise the inherent powers of the Tohono O'odham Nation by providing laws, ordinances or resolutions: to govern the conduct of members of the Tohono O'odham Nation and other persons within its jurisdiction and to exercise the following fiscal powers: to levy duties, fees, taxes and assessments on any person, corporation or association residing or doing business within the Tohono O'odham Nation...” (Constitution of the Tohono O'odham Nation, Article VI, Section 1(c)(1); (d)(4)); and

WHEREAS, Francisco Enterprises, LLC is located on Tohono O'odham Nation at 2161 W. Drexel Road, Tucson, AZ and has been transacting business as a tobacco shop pursuant to 22 T.O.C. Ch.2 since at least June 11, 2007; and

WHEREAS, 22 T.O.C. Ch. 1 Section 1102 provides for the levy and collection of Tobacco taxes on “every person engaging in the business of selling tobacco products at retail within the Tohono O'odham Nation”; and

WHEREAS, 22 T.O.C. Ch. 2 Sections 7 and 10 provides for the assessment of penalties and interest on any delinquent tax payments; and

WHEREAS, the Office of the Treasurer assessed penalties against Francisco Enterprises, LLC in the amount of $4,540,252.61, and assessed interest in the amount of $1,374,289.30; and

WHEREAS, the Office of the Treasurer and Francisco Enterprises, LLC have negotiated a proposed settlement for payment of 40% of the penalties and interest pursuant to Tohono O'odham Legislative Resolution No. 15-283; and

WHEREAS, the proposed Tax Penalty Settlement Agreement provides for the Office of the Treasurer to collect assessed penalties and interest from Francisco Enterprises in the amount of $2,365,816.77 over a 10 year period beginning September 30, 2017; and

WHEREAS, this resolution has been reviewed by the Budget and Finance Committee which recommends approval by the Legislative Council.
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(Approving the Tax Penalty Settlement Agreement between the Tohono O'odham Nation and Francisco Enterprises, LLC)
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NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby
approves the Tax Penalty Settlement Agreement between the Tohono O'odham
Nation and Francisco Enterprises, LLC, substantially in the form attached
hereto; and authorizes the Chairman to execute it.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 28th
day of OCTOBER, 2015 at a meeting at which a quorum was present with a vote of 2060.2 FOR; 961.2 AGAINST; -0- NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council
by Article VI, Section 1(c)(1):d)(4) 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, Legislative Chairman

28 day of October __________, 2015

ATTEST:

Evonne Wilson, Legislative Secretary

28 day of October __________, 2015

Said Resolution was submitted for approval to the office of the Chairman of the Tohono
O'odham Nation on the 28 day of October __________, 2015 at 3:23 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, Legislative Chairman
RESOLUTION NO. 15-413
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[✓] APPROVED

on the _______ day of __________________, 2015

[ ] DISAPPROVED

at _______ o'clock, _______ m.

EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the _______ day of

__________ , 2015, at _______ o'clock, ______ m.

Evonne Wilson, Legislative Secretary
**RESOLUTION NO. 15-413**

**ACTION:** APPROVING THE TAX PENALTY SETTLEMENT AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION AND FRANCISCO ENTERPRISES, LLC

**MOVED:** COUNCILWOMAN BARBARA HAVIER  
**SECOND:** COUNCILMAN VERNON SMITH  
**DATE:** OCTOBER 28, 2015

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>LEGISLATIVE REPRESENTATIVES</th>
<th># OF VOTES</th>
<th>FOR</th>
<th>AGAINST</th>
<th>NOT VOTING</th>
<th>ABSENT</th>
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</table>
| BABOQUIVARI | 1. FRANCES MIGUEL *(Absent)* (Robert E. Harvey) *(Present)*  
             | 2. VERNON J. SMITH (Gloria Zazuceta)                                    | 183.60     | X     |         |            |        |
|             |                                                                         | 183.60     | X     |         |            |        |
| CHUKUT KUK  | 1. ETHEL GARCIA *(Absent)* (Marlakay K. Henry) *(Present)*  
             | 2. BILLMAN LOPEZ (Patricia Vicenti)                                      | 166.05     | X     |         |            | X      |
|             |                                                                         | 166.05     | X     |         |            |        |
| GUACHI      | 1. TIMOTHY L. JOAQUIN (Louis L. Johnson)  
             | 2. LORETTA LEWIS                                                         | 132.50     | X     |         |            | X      |
|             |                                                                         | 132.50     | X     |         |            |        |
| GU VO       | 1. GRACE MANUEL *(Absent)* (Dallas Lewis) *(Present)*  
             | 2. PAMELA ANGHI LL (Jeffery Antone, Sr.)                                  | 125.30     | X     |         |            | X      |
|             |                                                                         | 125.30     | X     |         |            |        |
| HICKIWAN    | 1. LOUIS R. LOPEZ (Shirley Molina)  
             | 2. SANDRA ORTEGA                                                         | 102.90     | X     |         |            | X      |
|             |                                                                         | 102.90     | X     |         |            |        |
| PISINEMO    | 1. CHESTER ANTONE                                                        | 109.95     | X     |         |            | X      |
|             |                                                                         | 109.95     | X     |         |            |        |
| SAN LUCY    | 1. DIANA MANUEL                                                         | 113.25     | X     |         |            | X      |
|             |                                                                         | 113.25     | X     |         |            |        |
| SAN XAVIER  | 1. DANIEL L.A. PRESTON III *(Gene Enis)*  
             | 2. RACHEAL VILSON-STONER *(Absent)* (Olivia Villegas-Liston) *(Present)*  | 114.30     | X     |         |            | X      |
|             |                                                                         | 114.30     | X     |         |            |        |
| SIF OIDAK   | 1. ANTHONY J. FRANCISCO JR. *(Absent)*  
             | 2. QUINTIN C. LOPEZ *(Absent)* (John Fendenheim) *(Present)*             | 90.30      | X     |         |            | X      |
|             |                                                                         | 90.30      | X     |         |            |        |
| SELL S      | 1. ARTHUR WILSON *(Absent)* (Beverly Rivas)  
             | 2. BARBARA HAVIER                                                         | 256.75     | X     |         |            | X      |
|             |                                                                         | 256.75     | X     |         |            |        |
| SIF OIDAK   | 1. LUCINDA ALLEN *(Absent)* (Nicholas Jose) *(Present)*  
             | 2. MARY LOPEZ                                                            | 115.80     | X     |         |            | X      |
|             |                                                                         | 115.80     | X     |         |            |        |
| TOTAL       |                                                                         | 3,021.4    | 2,060.2 | 961.2   | -0-        | [05]   |