

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving a Purchase and Sale Agreement for Long Term Storage Credits Between**  
**the Tohono O'odham Nation and the Arizona Water Banking Authority)**

**RESOLUTION NO. 20-044**

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with**  
2 **the power “[t]o consult, negotiate and conclude agreements and contracts on**  
3 **behalf of the Tohono O'odham Nation with Federal, State and local governments**  
4 **and other Indian tribes or their departments, agencies or political subdivisions,**  
5 **or with private persons or organizations on all matters within the authority of the**  
6 **Tohono O'odham Council.” (Constitution of the Tohono O'odham Nation, Article**  
7 **VI, Section 1(f)); and**

8 **WHEREAS, the Legislative Council is further vested with the power to “[e]nter into**  
9 **agreements, compacts or other contracts for the beneficial use, sale, or lease or**  
10 **distribution” of “all waters which originate in or flow in, into or through the**  
11 **Tohono O'odham Nation” (Constitution of the Tohono O'odham Nation, Article**  
12 **XVII, Section 1 and Section 2(b)); and**

13 **WHEREAS, by Resolution No. 19-372, the Tohono O'odham Legislative Council approved the**  
14 **Tohono O'odham Nation Long Term-Storage Credit Marketing Plan which**  
15 **authorized Headwaters Consulting, LLC to market long-term storage credits held**  
16 **by the Nation; and**

17 **WHEREAS, Headwaters Consulting, LLC has negotiated a Purchase and Sale Agreement for**  
18 **Long Term Storage Credits Between the Tohono O'odham Nation and the Arizona**  
19 **Water Banking Authority, which is incorporated by this reference; and**

20 **WHEREAS, the Professional Service Agreement with Headwaters Consulting, LLC provides**  
21 **that a Transaction Success Fee be paid out of the gross proceeds of the sales**  
22 **transaction; and**

23 **WHEREAS, the Water Resources Committee has reviewed the Purchase and Sale Agreement**  
24 **for Long Term Storage Credits Between the Tohono O'odham Nation and the**  
25 **Arizona Water Banking Authority and recommend its approval.**

26 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**  
27 **Purchase and Sale Agreement for Long Term Storage Credits Between the Tohono**  
28 **O'odham Nation and the Arizona Water Banking Authority in substantially the**  
29 **form attached, and authorizes the Chairman of the Nation to execute it.**

30 **BE IT FURTHER RESOLVED that funds generated by this sale shall be deposited into the Water**  
31 **Revenue Account established by Resolution No. 14-525.**

32

**RESOLUTION NO. 20-044**

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**BE IT FINALLY RESOLVED that the Headwaters Consulting, LLC Transaction Success Fee stipulated in the Professional Service Agreement shall be funded by the Water Revenue Account established by Resolution No. 14-525.**

**The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 4<sup>TH</sup> day of FEBRUARY, 2020 at a meeting at which a quorum was present with a vote of 2,175.9 FOR; 547.1 AGAINST; -0- NOT VOTING; and 452.7 [07] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(f) and Article XVII, Section 1 and Section 2(h) 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 for  
Timothy Joaquin, Legislative Chairman  
4<sup>th</sup> day of February, 2020

**ATTEST:**

Evonne Wilson  
Evonne Wilson, Legislative Secretary  
6 day of February, 2020

**Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 7 day of February, 2020 at 10:00 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**

Timothy C. Joaquin for  
Timothy Joaquin, Legislative Chairman

**APPROVED**

**DISAPPROVED**

on the 7 day of February, 2020  
at 11:50 o'clock, a .m.

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

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Returned to the Legislative Secretary on the 07 day of  
February, 2020, at 1:20 o'clock, p.m.

Yvonne Wilson  
Evonne Wilson, Legislative Secretary

**ACTION: APPROVING A PURCHASE AND SALE AGREEMENT FOR LONG TERM STORAGE CREDITS BETWEEN THE TOHONO O'ODHAM NATION AND THE ARIZONA WATER BANKING AUTHORITY**

**Moved: COUNCILWOMAN LUCINDA ALLEN**

**SECOND: COUNCILWOMAN ALBERTA RAY**

**DATE: FEBRUARY 04, 2020**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 384.8	1. LEANDER MASE (Francine Schooling)	192.40	X			
	2. ALBERTA J. RAY (Frances G. Antone)	192.40	X			
CHUKUT KUK 347.5	1. VIVIAN JUAN-SAUNDERS (Juanita Homer)	173.75	X			
	2. MARLAKAY HENRY (Billman Lopez)	173.75	X			
GUACHI 279.3	1. VICTORIA HOBBS ( )	139.65	X			
	2. TIMOTHY L. JOAQUIN (Louis L. Johnson)	139.65	X			
GU VO 264.5	1. DALLAS LEWIS (Nacho Flores)	132.25	X			
	2. GRACE MANUEL ( )	132.25	X			X
HICKIWAN 213.8	1. SANDRA D. ORTEGA ( )	106.90				X
	2. LOUIS R. LOPEZ (Delma M. Garcia)	106.90				X
PISINEMO 230.7	1. MONICA K. MORGAN ( )	115.35	X			
	2. MARIETTA MARTIN ( )	115.35	X			
SAN LUCY 235.6	1. GLORIA RAMIREZ ( )	117.80	X			
	2. JANA MONTANA ( <i>Absent</i> ) (Lorraine M. Eiler) ( <i>Present</i> )	117.80	X			
SAN XAVIER 238.9	1. JANICE FELIX (Adam Andrews)	119.45				X
	2. DANIEL L.A. PRESTON III ( <i>Absent</i> ) (Racheal Vilson-Stoner) ( <i>Present</i> )	119.45				X
SCHUK TOAK 189.0	1. QUINTIN C. LOPEZ (Agnes V. Joaquin)	94.50	X			
	2. TERESA F. DONAHUE (Alberta Espinoza)	94.50	X			
SELLS 547.1	1. EVELYN JUAN MANUEL ( )	273.55		X		
	2. ARTHUR WILSON ( )	273.55		X		X
SIF OIDAK 244.5	1. LUCINDA ALLEN (Yolonda Garcia)	122.25	X			
	2. MARY LOPEZ (Ann M. Garcia)	122.25	X			X
<b>TOTAL</b>		<b>3,175.7</b>	<b>2,175.9</b>	<b>547.1</b>	<b>-0-</b>	<b>452.7</b> <b>[07]</b>