

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Authorizing Submission of the Application to the United States Department of Agriculture's Rainfall Index Pasture, Rangeland, Forage Pilot Insurance Program for Crop Year 2019 and Approving FY 2019 Department of Natural Resources USDA PRF Insurance Program Budget)**

**RESOLUTION NO. 18-397**

1 **WHEREAS,** the Tohono O'odham Legislative Council is authorized to "consult, negotiate and  
2 conclude agreements and contracts on behalf of the Tohono O'odham Nation..."  
3 and "to manage any funds within the exclusive control of the Tohono O'odham  
4 Nation . . . and to appropriate these funds for the benefit of the nation and its  
5 members" provided that "[a]ll expenditures of these funds shall be pursuant to  
6 appropriations or budgets" authorized by resolution or ordinance (Constitution  
7 of the Tohono O'odham Nation, Article VI, Section 1(f) and Section 1(d)(2)); and

8 **WHEREAS,** the United States Department of Agriculture ("USDA") Pasture, Rangeland, Forage  
9 Pilot Insurance Program ("PRF Insurance Program") "is designed to provide  
10 insurance coverage on pasture, rangeland, or forage acres" using a rainfall index  
11 to determine precipitation for coverage purposes, instead of measuring  
12 production or loss of products themselves (USDA Pasture, Rangeland, Forage  
13 Pilot Insurance Program Fact Sheet, available at  
14 <https://www.rma.usda.gov/pubs/rme/prfinsprog.pdf>); and

15 **WHEREAS,** coverage is "based on a producer's selection of coverage level, index intervals,  
16 and productivity factor" and insurance payments are determined by using  
17 National Oceanic and Atmospheric Administration Climate Prediction Center  
18 ("NOAA CPC") data, which uses a grid system to determine precipitation amounts  
19 within an area, for grids and index intervals that the producer chose to insure  
20 (USDA Pasture, Rangeland, Forage Pilot Insurance Program Fact Sheet); and

21 **WHEREAS,** by Resolution No. 17-570, the Legislative Council authorized the submission of  
22 the Nation's PRF Insurance Policy Application for crop year 2018 and approved  
23 the FY 2018 Department of Natural Resources USDA PRF Insurance Program  
24 Budget to be "funded by the indemnity revenue from the USDA PRF Insurance  
25 Program; provided that if sufficient indemnity revenue is not available, the  
26 Nation's general revenue shall be used to pay USDA PRF Insurance premiums";  
27 and

28 **WHEREAS,** the Tohono O'odham Legislative Council adopted the Tohono O'odham Nation  
29 Range and Agriculture Fund Management Plan (hereafter, "Plan") by Resolution  
30 No. 18-264; and

31 **WHEREAS,** pursuant to B.3. of the Plan, "[s]ubject to prior approval by Council and provided  
32 there are sufficient funds in the Fund to cover the annual premium payment, the

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1 Chairman of the Nation is authorized to apply to the USDA on behalf of the Tohono  
2 O'odham Nation to participate in the PRF Insurance Program"; and

3 **WHEREAS,** in order to apply for crop year 2019, the Nation's USDA PRF Insurance Program  
4 application must be submitted on or before November 15, 2018; and

5 **WHEREAS,** while the Nation will continue to receive indemnity revenue for the remainder of  
6 crop year 2018, the amount of indemnity revenue in the Tohono O'odham Nation  
7 Range and Agriculture Fund is insufficient to cover the premium for 2019; and

8 **WHEREAS,** the Department of Natural Resources has prepared and submitted for review and  
9 approval its FY 2019 Department of Natural Resources USDA PRF Insurance  
10 Program Budget, which is incorporated by this reference, in the amount of  
11 \$5,042,096.25 to be funded by the Tohono O'odham Nation Range and Agriculture  
12 Fund and indemnity revenue; and

13 **WHEREAS,** the Agricultural and Natural Resources and Budget and Finance Committees  
14 have reviewed the FY 2019 Department of Natural Resources USDA PRF Insurance  
15 Program Budget and the PRF Insurance Policy Application and recommend  
16 approval.

17 **NOW, THEREFORE, BE IT RESOLVED** that notwithstanding subsections B.3. and B.4. of the Range  
18 and Agriculture Fund Management Plan, the Tohono O'odham Legislative  
19 Council:

- 20 (1) authorizes submission of the PRF Insurance Policy Application for the  
21 Nation's participation in the USDA's Pasture, Rangeland, Forage Pilot  
22 Insurance Program for crop year 2019;
- 23 (2) approves the FY 2019 Department of Natural Resources USDA PRF  
24 Insurance Program Budget, effective October 1, 2018 in the amount of  
25 \$5,042,096.25, that shall be funded by the Tohono O'odham Nation Range  
26 and Agriculture Fund and indemnity revenue, provided that if sufficient  
27 indemnity revenue is not available, then the Nation's general revenue  
28 shall used to pay the USDA PRF insurance premium; and
- 29 (3) grants permission for the United States Department of Agriculture, or its  
30 representative, to inspect the areas insured, provided they give the  
31 Nation's Department of Natural Resources executive director five  
32 business days advanced written notice and are accompanied by a  
33 designated Nation's employee or official.

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**BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council authorizes the Nation's Chairman to execute, sign and deliver all related documents, agreements, contracts, for participation in the USDA Pasture, Rangeland, Forage Pilot Insurance Program for crop year 2019.**

**The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 21<sup>ST</sup> day of SEPTEMBER, 2018 at a meeting at which a quorum was present with a vote of 2,029.65 FOR; 620.05 AGAINST; -0- NOT VOTING; and 434.9 [07] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(f) and 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**

  
\_\_\_\_\_  
Timothy Joaquin, Legislative Chairman

24 day of September, 2018

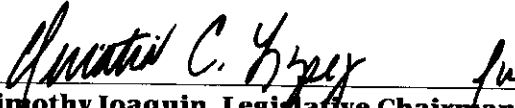
**ATTEST:**

  
\_\_\_\_\_  
Evonne Wilson, Legislative Secretary

24 day of September, 2018

**Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 24 day of September, 2018 at 1:48 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**

  
\_\_\_\_\_  
Timothy Joaquin, Legislative Chairman

**APPROVED**

on the 24 day of September, 2018

**DISAPPROVED**

at 4:07 o'clock, P.m.

  
\_\_\_\_\_  
EDWARD D. MANUEL, CHAIRMAN  
TOHONO O'ODHAM NATION

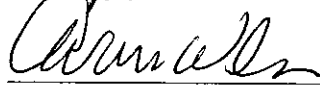
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Returned to the Legislative Secretary on the 25 day of

September, 2018, at 8:25 o'clock, a.m.



Evonne Wilson, Legislative Secretary

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**ACTION:** AUTHORIZING SUBMISSION OF THE APPLICATION TO THE UNITED STATES DEPARTMENT OF AGRICULTURE'S RAINFALL INDEX PASTURE, RANGELAND, FORAGE PILOT INSURANCE PROGRAM FOR CROP YEAR 2019 AND APPROVING FY 2019 DEPARTMENT OF NATURAL RESOURCES USDA PRE INSURANCE PROGRAM BUDGET

**MOVED:** COUNCILMAN BILLMAN LOPEZ

**SECOND:** COUNCILWOMAN JANICE FELIX

**DATE:** SEPTEMBER 21, 2018

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 235.8	1. MARY LOPEZ ( )	117.9	X			
	2. LUCINDA ALLEN (Yolonda Garcia)	117.9	X			
SELLS 527.2	1. ARTHUR WILSON ( <i>Absent</i> ) (Evelyn Juan Manuel) ( <i>Present</i> )	263.6		X		
	2. ADRIANNE TILLER ( )	263.6		X		
SCHUK TOAK 185.7	1. ANTHONY J. FRANCISCO JR. ( <i>Absent</i> ) (Teresa F. Donahue) ( <i>Present</i> )	92.85	X			
	2. QUINTIN C. LOPEZ (Agnes V. Joaquin)	92.85		X		
SAN XAVIER 232.3	1. DANIEL L.A. PRESTON III (Felicia Nunez)	116.15	X			
	2. JANICE FELIX ( )	116.15	X			
SAN LUCY 231.1	1. JANA MONTANA (Diana Manuel)	115.55	X			
	2. GLORIA RAMIREZ (Lorraine Eiler)	115.55	X			
PISINEMO 225.9	1. CHESTER ANTONE ( <i>Absent</i> ) (Caroline D. Garcia) ( <i>Present</i> )	112.95				X
	2. MONICA K. MORGAN ( )	112.95				X
HICKIWAN 209.0	1. LOUIS R. LOPEZ (Shirley Molina)	104.5				X
	2. SANDRA D. ORTEGA ( )	104.5				X
GU VO 256.9	1. GRACE MANUEL ( )	128.45	X			
	2. DALLAS LEWIS (Nacho Flores)	128.45	X			X
GU ACHI 270.9	1. TIMOTHY L. JOAQUIN ( <i>Absent</i> ) (Louis L. Johnson) ( <i>Present</i> )	135.45	X			X
	2. LORETTA LEWIS (Victoria Hobbs)	135.45	X			
CHUKUT KUK 337.7	1. BILLMAN LOPEZ (Patricia Antone)	168.85	X			
	2. VIVIAN JUAN-SAUNDERS ( <i>Absent</i> ) (Juanita Homer) ( <i>Present</i> )	168.85	X			
BABOQUIVARI 372.1	1. FRANCES MIGUEL ( <i>Absent</i> ) (Roberta E. Harvey) ( <i>Present</i> )	186.05	X			X
	2. LEANDER MASE (Francine Schooling)	186.05	X			
<b>TOTAL</b>		<b>3,084.6</b>	<b>2,029.65</b>	<b>620.05</b>	<b>-0-</b>	<b>434.9</b> <b>[07]</b>