

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Establishing a Land Acquisition Fund for the Tohono O'odham Nation)**

RESOLUTION NO. 2000-057

1 **WHEREAS, the Constitution of the Tohono O'odham Nation, in sections 9 and 10 of Article XVI,**  
2 **entitled "Land Policy," sets forth the policy of the Tohono O'odham Nation**  
3 **("Nation") regarding return of lands and natural resources as follows:**

4 **Section 9. It shall be the policy of the Tohono O'odham**  
5 **Nation to seek the return to the Tohono O'odham Nation of**  
6 **lands and natural resources, including minerals and water**  
7 **rights, within or adjacent to the Tohono O'odham Nation,**  
8 **or which originally were a part of the historic Papagueria.**

9  
10 **Section 10. In order to carry out the foregoing policies, it**  
11 **shall be the continuing responsibility of the Tohono**  
12 **O'odham Council each year to designate a certain**  
13 **percentage of the proceeds derived from natural resources**  
14 **of the Tohono O'odham Nation and, consistent with other**  
15 **essential considerations of Tohono O'odham national**  
16 **policy, to allocate and invest the designated proceeds for**  
17 **the purpose of acquiring such lands, natural resources,**  
18 **minerals and water rights.**

19 **and**

20 **WHEREAS, privately owned lands and mineral interests exist within the boundaries of the**  
21 **Nation, including approximately 133 patented mining claims totalling**  
22 **approximately 2,056 acres and approximately 10 unpatented mining claims; and**

23 **WHEREAS, it is the Nation's policy to consolidate the ownership of lands and mineral interests**  
24 **within the Nation's boundaries by recovering these patented and unpatented**  
25 **mining claims and other privately owned lands as soon as possible so as to better**  
26 **protect these lands and to minimize incompatible uses, environmental and**  
27 **natural resource damage, and jurisdictional disputes occurring within the**  
28 **boundaries of the Nation ; and**

29 **WHEREAS, the Nation also seeks to acquire lands outside its current boundaries to provide a**  
30 **land base for the Hia Ced O'odham in fulfillment of a commitment made in**  
31 **Resolution No. 16-84 and to otherwise carry out the Constitutional policy of seeking**  
32 **the return of lands which were originally a part of the historic Papagueria; and**

33 **WHEREAS, the Constitution directs that a portion of the Nation's revenue from natural**  
34 **resources should be dedicated to reacquiring lands, natural resources, minerals**

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1                   **and water rights; and**

2   **WHEREAS, the distribution of mining proceeds is governed by Ordinance No. 13-82, as**  
3                   **amended by Resolution No. 95-131 of the Tohono O'odham Legislative Council,**  
4                   **which provides that the Nation's share of mining proceeds consists of 50 % of rental**  
5                   **income from mining leases or business leases for mining, 35 % of general mining**  
6                   **proceeds (meaning royalties), 55 % of proceeds derived from mining clay, topsoil,**  
7                   **limestone, pumice, building stone and rock, and 55 % of proceeds derived from the**  
8                   **sale of water used for mining purposes (hereinafter collectively referred to as "the**  
9                   **Nation's share of mining proceeds"); and**

10   **WHEREAS, in exercise of the powers and responsibilities conferred by the Constitution the**  
11                   **Tohono O'odham Legislative Council desires to set aside a portion of the Nation's**  
12                   **share of mining proceeds into a Land Acquisition Fund from which future**  
13                   **acquisitions of land can be made; and**

14   **WHEREAS, the Natural Resources Committee of the Legislative Council has recommended**  
15                   **that, beginning in Fiscal Year 2001, ten percent (10 %) of the Nation's share of**  
16                   **mining proceeds be set aside at the time that any mining proceeds are received by**  
17                   **the Nation and be placed in a newly created Land Acquisition Fund, from which**  
18                   **future acquisitions of land both within and outside the boundaries of the Nation**  
19                   **can be made, which fund shall be subject to appropriation by the Legislative**  
20                   **Council when land acquisitions are presented to the Legislative Council for**  
21                   **approval; and**

22   **WHEREAS, in addition to this stream of revenue, the Legislative Council, upon the**  
23                   **recommendation of the Investment Committee, the Budget and Finance**  
24                   **Committee, and the Natural Resources Committee, wishes to place a start up**  
25                   **amount in the Land Acquisition Fund by transferring \$200,000.00 from the IC007**  
26                   **account into the Land Acquisition Fund.**

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

- 28                   **1. The Nation's Treasurer or other official designated by the Chairman of the**  
29                   **Nation is hereby authorized and directed to create an income earning account**

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1           **called the Land Acquisition Fund which shall accumulate funds from year to year**  
2           **for future expenditure for land acquisition by appropriation of the Legislative**  
3           **Council at such time that parcels of land become available for acquisition at a**  
4           **price agreeable to the Nation.**

5           **2. Two Hundred Thousand Dollars (\$200,000.00) from the IC007 account shall**  
6           **be transferred to the Land Acquisition Fund as an initial start up amount.**

7           **3. Beginning in Fiscal Year 2001, ten percent (10 %) of the Nation's share of**  
8           **mining proceeds shall be set aside at the time the funds are received by the**  
9           **Nation and shall be placed in the Land Acquisition Fund.**

10           **4. The funds in the Land Acquisition Fund shall be invested, the income**  
11           **therefrom shall be added to the Land Acquisition Fund, and the entire amount**  
12           **shall be available for appropriation and shall be restricted for the sole purpose**  
13           **of acquisition of lands (including pre-purchase costs) either within or outside the**  
14           **boundaries of the Nation. Priority shall be given to acquisition of lands within**  
15           **the boundaries of the Nation.**

16           **5. The Treasurer of the Nation or other official designated by the Chairman of**  
17           **the Nation, in consultation with the Controller, shall report to the Natural**  
18           **Resources Committee of the Legislative Council on or before December 1st of**  
19           **each year, and thereafter to the full Legislative Council, on the status of the Land**  
20           **Acquisition Fund as of September 30 of that year.**

21           **6. The Chairman of the Nation, with the assistance of the Land Specialist for the**  
22           **Executive Branch or any future Real Property office of the Nation, is authorized**  
23           **to negotiate land acquisitions, in consultation with the Natural Resources**  
24           **Committee, the Mining Administrator (for patented or unpatented mining**  
25           **claims) and the Attorney General's Office, subject to final approval by the Tohono**  
26           **O'odham Legislative Council, and is authorized to expend funds from the Land**  
27           **Acquisition Fund for pre-purchase costs.**

28           **7. Additional funds may be added to the Land Acquisition Fund from time to**  
29           **time by future action of the Legislative Council.**

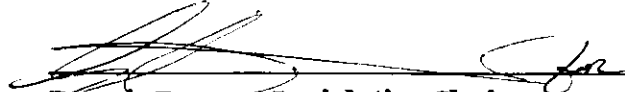
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1 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10TH,  
2 day of FEBRUARY, 2000 at a meeting at which a quorum was present with a vote of 1,879.0 FOR;  
3 -0- AGAINST; -0- NOT VOTING; and 286.5 [05] ABSENT, pursuant to the powers vested in the  
4 Council by Section 1(d)(2) of Article VI and Sections 9 and 10 of Article XVI of the Constitution  
5 of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986;  
6 and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March  
7 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).  
8

9 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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11   
12 **Dennis Ramon, Legislative Chairman**

13  
14 14 day of Febony, 2000

15  
16 **ATTEST:**

17   
18  
19 **Julianna Saraficio, Acting Legislative Secretary**

20  
21 10 day of February, 2000.

22  
23 Said Resolution was submitted for approval to the office of the Chairman of the Tohono  
24 O'Odham Nation on the 14 day of Febony, 2000 at 4:29 o'clock,  
25 P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will  
26 become effective upon his approval or upon his failure to either approve or disapprove it within  
27 48 hours of submittal.  
28

29 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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31   
32 **Dennis Ramon, Legislative Chairman**

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37  **APPROVED**

on the 16<sup>th</sup> day of February, 2000

38  
39  **DISAPPROVED**

at 9:03 o'clock, A.M.

40  
41   
42  
43 **EDWARD D. MANUEL, Chairman**  
44 **TOHONO O'ODHAM NATION**

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Returned to the Legislative Secretary on the 16 day of  
February, 20 00, at 10:49 o'clock, A.M.

  
\_\_\_\_\_  
**Julianna Saraficio, Acting Legislative Secretary**

**ACTION: ESTABLISHING A LAND ACQUISITION FUND FOR THE TOHONO O'ODHAM NATION**

**MOVED: COUNCILWOMAN FERN SALCIDO**

**SECOND: VICE CHAIRMAN AMBROSE ENCINAS**

**DATE: FEBRUARY 10, 2000**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF OIDAK</b> 171.8	1. MARY ANN ANTONE ** (Darlene Andrew)	85.9	X			
	2. RITA MARTINEZ (Nicholas Jose)	85.9	X			
<b>SELLS</b> 372.7	1. DENNIS E. JOSE ( )	186.35	X			
	2. EVELYN JUAN ( )	186.35	X			
<b>SCHUK TOAK</b> 133.4	1. MARY FLORES ( )	66.7	X			
	2. AMBROSE ENCINAS ( )	66.7	X			
<b>SAN XAVIER</b> 165.9	1. TONY BURRELL ( )	82.95	X			
	2. DENNIS RAMON ( )	82.95	X			
<b>BABOQUIVARI</b> 286.5	1. FRANCES MIGUEL ( )	143.25				X
	2. FRANCES G. ANTONE (Edward N. Kisto)	143.25				X
<b>GU ACHI</b> 209.6	1. CAMILLUS LOPEZ (Louis Johnson)	104.8	X			
	2. ALEX J. RAMON ( )	104.8	X			X
<b>PISINEMO</b> 156.8	1. BARBARA SALVICIO (Alex Antone)	78.4	X			
	2. JOHNSON JOSE ( )	78.4	X			
<b>SAN LUCY</b> 128.1	1. ALBERT MANUEL, JR. ( )	64.05	X			X
	2. GLORIA RAMIREZ ( )	64.05	X			
<b>GU VO</b> 160.0	1. FERN SALCIDO ( )	80.0	X			
	2. GLORIA MONTANA (Phillip Antone)	80.0	X			
<b>HICKIWAN</b> 158.1	1. ALEX JOSE (Shirley Santos)	79.05	X			
	2. LLOYD FRANCISCO (Susan Sam)	79.05	X			X
<b>CHUKUT KUK</b> 222.6	1. KENNETH WILLIAMS ( )	111.3	X			
	2. DAVID GARCIA (Mary Audrey Juan)	111.3	X			
<b>TOTAL</b>		<b>2,165.5</b>	<b>1,879.0</b>	<b>-0-</b>	<b>-0-</b>	<b>286.5</b> <b>[05]</b>

\*\*PASSED VOTES