

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Tohono O'odham Farming Authority 2001 and 2002 Financing Arrangements
and Limited Waiver of Sovereign Immunity)**

RESOLUTION NO. 2000-559

1 **WHEREAS, the Tohono O'odham Farming Authority (TOFA) has negotiated the following**
2 **financing agreements with ACCO Finance Co. related to TOFA's operations for**
3 **calendar years 2001 and 2002, copies of which are attached hereto:**

4 **(1) 2001 - 2002 TOFA Multiple Year Revolving Line of Credit Loan Agreement in the**
5 **amount of \$3,166,143.00, and on the terms set forth in the TOFA Multiple Year**
6 **Revolving Secured Promissory Note and Security Agreement (collectively the**
7 **"Revolving Line - Cotton Crop Loan Documents");**

8 **(2) 2001 - 2002 TOFA Multiple Year Revolving Line of Credit Loan Agreement in the**
9 **amount of \$300,000.00, and on the terms set forth in the related TOFA Multiple**
10 **Year Revolving Secured Promissory Note and Security Agreement (collectively the**
11 **"Revolving Line - Vegetable Crop Loan Documents");**

12 **(3) 2001 Equipment Loan in the amount of \$230,000.00, and on the terms set forth in**
13 **the related TOFA Promissory Note, Security Agreement and TOFA Loan Agreement**
14 **(collectively the "Equipment Loan Documents");**

15 **WHEREAS, each of the foregoing Loan Agreements contains a limited waiver of TOFA's sovereign**
16 **immunity with respect to disputes arising thereunder; and**

17 **WHEREAS, subparagraph 9.2.2(A) of the TOFA's Second Restated Plan of Operation requires**
18 **approval of the Legislative Council of waivers of immunity in connection with annual**
19 **crop loans exceeding a principal amount in excess of \$500,000.00; and**

20 **WHEREAS, TOFA has negotiated an Anderson-Clayton Business Agreement with Anderson**
21 **Clayton Corp. related to ginning of seed cotton grown by TOFA during the 2001-2002**
22 **crop year (the "Business Agreement"), a copy of which is attached hereto; and**

23 **WHEREAS, TOFA requests that the Nation enter into a Non-Disturbance and Subordination**
24 **Agreement on the terms set out in the attached documents; and**

25 **WHEREAS, the Management Board of TOFA recommends approval of the attached documents;**
26 **and**

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1 WHEREAS, the Agriculture Committee and the Budget & Finance Committee recommend
2 approval by the Legislative Council of the attached documents.

3 NOW, THEREFORE, BE IT RESOLVED THAT:

- 4 1. The Tohono O'odham Legislative Council approves limited waivers of the
5 sovereign immunity of TOFA as provided in the Revolving Line - Cotton Crop Loan
6 Documents, the Revolving Line - Vegetable Crop Loan Documents, and
7 Equipment Loan Documents, in the form and on the terms set forth in the Loan
8 Documents attached hereto.
- 9 2. The Tohono O'odham Legislative Council approves the limited waiver of the
10 sovereign immunity of TOFA as provided in the Business Agreement with
11 Anderson Clayton Corp.
- 12 3. The Chairman of the Nation or, in his absence, the Vice Chairman of the Nation,
13 is authorized and directed to execute the Non-Disturbance and Subordination
14 Agreement in substantially the form and on the terms set forth in the attached
15 Non-Disturbance and Subordination Agreement.

16 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 05TH Day
17 of **DECEMBER 2000** at a meeting at which a quorum was present with a vote of **2,165.5 FOR; -0-**
18 **AGAINST; -0- NOT VOTING; and [04] ABSENT** pursuant to the powers vested in the Council by
19 Section 1 (d)(2 & (f) Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the
20 Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
21 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
22 18, 1934 (48 Stat. 984).

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24 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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28 Dennis Ramon, Legislative Chairman

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30 8th day of December, 20 00

31 ATTEST:

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34 Julianna Saraficio, Acting Legislative Secretary

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36 05 day of December, 20 00.

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1 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham
2 Nation on the 8th day of December, 20 00 at 3:54 o'clock, P.M.,
3 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
4 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
5 submittal.

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7 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**


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10 **Dennis Ramon, Legislative Chairman**

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15 **APPROVED**

on the 12th day of December, 20 00


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17 **DISAPPROVED**

at 8:00 o'clock, A.M.

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21 **EDWARD D. MANUEL, Chairman**
22 **TOHONO O'ODHAM NATION**

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27 Returned to the Legislative Secretary on the 12th day of

28 December, 20 00, at 9:00 o'clock, A.M.

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32 **Julianna Saraficio, Acting Legislative Secretary**

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ACTION: APPROVING TOHONO O'ODHAM FARMING AUTHORITY 2001 AND 2002 FINANCING ARRANGEMENTS AND LIMITED WAIVER OF SOVEREIGN IMMUNITY

MOVED: COUNCILWOMAN FRANCES ANTONE

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: DECEMBER 05, 2000

| DISTRICT | LEGISLATIVE REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|-----------------------------|---|----------------|----------------|------------|------------|-------------|
| SIF ODAK 171.8 | 1. MARY ANN ANTONE (Darlene Andrew) | 85.9 | X | | | X |
| | 2. RITA MARTINEZ (Nicholas Jose) | 85.9 | X | | | |
| SELLS 372.7 | 1. DENNIS E. JOSE () | 186.35 | X | | | |
| | 2. EVELYN JUAN () | 186.35 | X | | | |
| SCHUK TOAK 133.4 | 1. MARY FLORES () | 66.7 | X | | | |
| | 2. AMBROSE ENCINAS () | 66.7 | X | | | |
| SAN XAVIER 165.9 | 1. TONY BURRELL () | 82.95 | X | | | |
| | 2. DENNIS RAMON () | 82.95 | X | | | X |
| BABOQUIVARI 286.5 | 1. FRANCES MIGUEL () | 143.25 | X | | | |
| | 2. FRANCES G. ANTONE (Edward N. Kisto) | 143.25 | X | | | |
| GU ACHI 209.6 | 1. CAMILLUS LOPEZ (Louis Johnson) | 104.8 | X | | | |
| | 2. ALEX J. RAMON () | 104.8 | X | | | |
| PISINEMO 156.8 | 1. BARBARA SALVICIO (Alex Antone) | 78.4 | X | | | |
| | 2. JOHNSON JOSE () | 78.4 | X | | | |
| SAN LUCY 128.1 | 1. ALBERT MANUEL, JR. () | 64.05 | X | | | |
| | 2. GLORIA RAMIREZ () | 64.05 | X | | | X |
| GU VO 160.0 | 1. FERN SALCIDO () | 80.0 | X | | | |
| | 2. GLORIA MONTANA** (Phillip Antone) | 80.0 | X | | | |
| HICKIWAN 158.1 | 1. SHIRLEY MOLINA () | 79.05 | X | | | X |
| | 2. LLOYD FRANCISCO (Susan Sam) | 79.05 | X | | | |
| CHUKUT KUK 222.6 | 1. KENNETH WILLIAMS () | 111.3 | X | | | |
| | 2. DAVID GARCIA (Mary Audrey Juan) | 111.3 | X | | | |
| TOTAL | | 2,165.5 | 2,165.5 | -0- | -0- | [04] |

**PASSED VOTES