

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Delegating to the Nation's Chairwoman Authority Over Tohono O'odham Farming Authority)

RESOLUTION NO. 05-233

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to "provide for,**
2 **appoint, or provide for the appointment of, and prescribe the duties and powers of**
3 **committees, boards, officers and agents; to establish and regulate subordinate**
4 **organizations for business purposes" (Constitution of the Tohono O'odham Nation,**
5 **Article VI, Section 1(b)); and**

6 **WHEREAS, the Tohono O'odham Farming Authority exists as a wholly-owned enterprise of the**
7 **Nation in accordance with its Second Restated Plan of Operation of the Tohono**
8 **O'odham Farming Authority (Resolution No. 99-060); and**

9 **WHEREAS, in CY 2004, the Tohono O'odham Farming Authority suffered an operating loss of**
10 **approximately \$4.1 million; and**

11 **WHEREAS, it is in the best interest of the Nation to temporarily vest the Chairwoman of the**
12 **Nation with the power to exercise overriding authority over the Farming Authority,**
13 **including the Management Board.**

14 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby**
15 **authorizes the Chairwoman of the Tohono O'odham Nation to immediately take the**
16 **following actions:**

- 17 **1. Upon the Chairwoman's written directive and in her sole discretion, secure**
18 **and/or take control of any assets, including all bank accounts, credit cards and**
19 **accounts, property and financial records and documents now under the control**
20 **of the Farming Authority.**
- 21 **2. To demand and obtain any Farming Authority documents, work papers, records**
22 **or information from employees, contractors, agents, external auditors, the**
23 **Management Board or any other person or entity.**
- 24 **3. Upon the Chairwoman's written directive and in her sole discretion, suspend and**
25 **assume the authorities and powers of the Management Board or any of its**
26 **directors, including Board officers.**
- 27 **4. Call Management Board meetings and require the attendance of Board**
28 **members, any Farming Authority employees (including all managers),**
29 **contractors or agents, and the Legislative Council Agricultural Committee.**

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1 **BE IT FURTHER RESOLVED** that the Chairwoman shall regularly report all action taken and
2 information received pursuant to this Resolution to the Legislative Council Budget
3 and Finance Committee and Agricultural Committee.

4 **BE IT FINALLY RESOLVED** that, to this extent the terms of this Resolution conflict with provisions
5 of the Second Restated Plan of Operation of the Tohono O'odham Farming Authority,
6 the conflicting provisions of the Plan shall be deemed to be superceded until this
7 Resolution is amended or repealed.

8 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06TH Day
9 of MAY, 2005 at a meeting at which a quorum was present with a vote of 2,629.7 FOR; -0- AGAINST;
10 -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Section 1 (b) of
11 Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham
12 Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs
13 (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

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16 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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19 **Isidro Lopez, Legislative Chairman**

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21 6th day of May, 2005

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24 **ATTEST:**

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27 **Lucille Lopez, Acting Legislative Secretary**

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29 06th day of May, 2005.

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31 **Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono**
32 **O'Odham Nation on the 6th day of May, 2005 at 7:23 o'clock,**
33 **P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
34 **effective upon her approval or upon her failure to either approve or disapprove it within 48 hours**
35 **of submittal.**

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37 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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40 **Isidro Lopez, Legislative Chairman**

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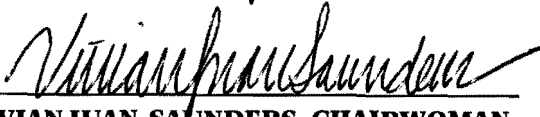
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APPROVED

on the 6 day of May, 2005

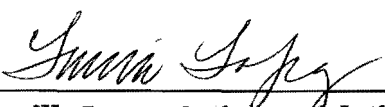
DISAPPROVED

at 7:25 o'clock, P.M.


VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 06th day of

May, 2005, at 7:26 o'clock, P.M.


Lucille Lopez, Acting Legislative Secretary

ACTION: DELEGATING TO THE NATION'S CHAIRWOMAN AUTHORITY OVER TOHONO O'ODHAM FARMING AUTHORITY

MOVED: COUNCILMAN VERLON JOSE

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: MAY 06, 2005

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 192.6	1. ISIDRO LOPEZ (Nicholas Jose)	96.30	X			
	2. DARLENE ANDREW (Rita Martinez)	96.30	X			
SELLS 465.6	1. DENNIS E. JOSE ()	232.80	X			
	2. EVELYN JUAN ()	232.80	X			
SCHUK TOAK 176.1	1. FRANCES B. CONDE ()	88.05	X			
	2. PHYLLIS JUAN ()	88.05	X			X
SAN XAVIER 215.4	1. FELICIA NUÑEZ (Olivia Liston-Villegas)	107.70	X			X
	2. DENNIS RAMON (Eleanor Hunter)	107.70	X			
SAN LUCY 166.3	1. JOHN W. LAWSON, SR. ()	83.15	X			
	2. GLORIA RAMIREZ ()	83.15	X			
PISINEMO 175.4	1. BARBARA SALVICIO ()	87.70	X			
	2. PATRICIA CRUZ ()	87.70	X			
HICKIWAN 170.3	1. DELMA GARCIA (Mary E. Sam)	85.15	X			
	2. SANDRA ORTEGA ()	85.15	X			
GU VO 191.4	1. RAYMOND VICTOR ()	95.70	X			
	2. MICHAEL FLORES (Willard Manuel)	95.70	X			X
GU ACHI 253.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
	2. JEROME JOAQUIN (Roberta Picard)	126.80	X			
CHUKUT KUK 258.9	1. KENNETH WILLIAMS (Absent) (Juanita Homer) (Present)	129.45	X			
	2. VERLON M. JOSE (David Garcia)	129.45	X			
BABOQUIVARI 364.1	1. FRANCES MIGUEL (Lucilda Norris-Valenzuela)	182.05	X			
	2. FRANCES G. ANTONE ()	182.05	X			X
TOTAL		2,629.7	2,629.7	-0-	-0-	[04]

**PASSED VOTES