

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Calling Upon the Arizona Legislature to Recognize the Tohono O'odham Community
College as a Qualifying Tribal Community College Eligible for Funding Under
A.R.S. § 42-5031.01)

RESOLUTION NO. 06-234

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to promote, protect**
2 **and provide for public health, peace, morals, education and general welfare of the**
3 **Tohono O'odham Nation and its members and to consult with state governments on**
4 **all matters within the authority of the Tohono O'odham Council (Constitution of the**
5 **Tohono O'odham Nation, Article VI, Section 1(c)(2) and 1(f)); and**

6 **WHEREAS, the Tohono O'odham Legislative Council approved the establishment of a**
7 **Community College on the Tohono O'odham Nation in 1996 by Resolution No. 96-422,**
8 **and subsequently adopted the Charter of the Tohono O'odham Community College**
9 **pursuant to Resolution No. 98-006 effective January 13, 1998; and**

10 **WHEREAS, pursuant to A.R.S. § 42-5031.01, a percentage of Arizona transaction privilege tax**
11 **revenues from sources located on Indian reservations are distributed "for the**
12 **exclusive purpose of supporting the maintenance, renewal and capital expenses of**
13 **one or more community colleges in this state that are owned, operated or chartered**
14 **by the qualifying Indian tribe on its own Indian reservation"; and**

15 **WHEREAS, the Tohono O'odham Community College currently operates a campus in leased**
16 **buildings and land within Sells, Arizona, and does not currently receive A.R.S. § 42-**
17 **5031.01 funds, but is in the initial phase of planning and constructing two on-**
18 **reservation campuses which will necessarily require funds to cover capital expenses**
19 **and maintenance; and**

20 **WHEREAS, 2002 Arizona Session Laws, Ch. 330, § 53 provides that, "[n]otwithstanding § 42-**
21 **5031.01, Arizona Revised Statutes, an Indian tribal postsecondary educational**
22 **institution is eligible to receive funding pursuant to § 42-5031.01, Arizona Revised**
23 **Statutes, only if it received funding under that law in fiscal year 2001-2002," and**
24 **therefore currently disqualifies the Tohono O'odham Community College from**
25 **receiving such funding to support new campus construction or current campus**
26 **maintenance; and**

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1 **WHEREAS, in accordance with the provisions of Arizona law, the State of Arizona is providing**
2 **\$17.5 million in § 42-5031.01 tax revenues to the Diné College (Navajo Nation) for**
3 **maintenance, renewal and capital expenses over a ten-year period; and**

4 **WHEREAS, all community colleges owned, operated or chartered by an Indian tribe within**
5 **Arizona should have an equal opportunity to qualify for § 42-5031.0 funding.**

6 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council calls upon the**
7 **Arizona Legislature to amend existing law in a manner that will recognize the**
8 **Tohono O'odham Community College as a community college that is owned,**
9 **operated, or chartered by a qualifying Indian tribe eligible to enter into a compact**
10 **with the state for distribution of revenues under A.R.S. § 42-5031.01.**

11 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 5TH day**
12 **of APRIL, 2006 at a meeting at which a quorum was present with a vote of 2,254.1 FOR; -0-**
13 **AGAINST; 186.7 NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by**
14 **Section 1(c)(2)&(f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the**
15 **Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
16 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
17 **18, 1934 (48 Stat. 984).**

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19 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

20 
21 _____
22 **Evelyn B. Juan Manuel, Legislative Chairwoman**

23
24 12 day of April, 2006

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27 **ATTEST:**

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30 _____
31 **Lucille Lopez, Acting Legislative Secretary**

32
33 05 day of April, 2006.

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35 **Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono**
36 **O'Odham Nation on the 12 day of April, 2006 at 2:31 o'clock, P.M.,**
37 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
38 **upon her approval or upon her failure to either approve or disapprove it within 48 hours of**
39 **submittal.**

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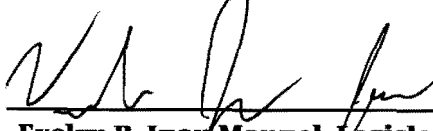
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TOHONO O'ODHAM LEGISLATIVE COUNCIL



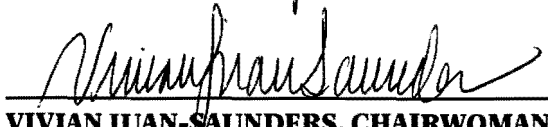
Evelyn B. Juan Manuel, Legislative Chairwoman

APPROVED

on the 12 day of April, 2006

DISAPPROVED

at 5:35 o'clock, p.M.



**VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 13 day of

April, 2006, at 8:30 o'clock, A.M.



Lucille Lopez, Acting Legislative Secretary

ACTION: CALLING UPON THE ARIZONA LEGISLATURE TO RECOGNIZE THE TOHONO O'ODHAM COMMUNITY COLLEGE AS A QUALIFYING TRIBAL COMMUNITY COLLEGE ELIGIBLE FOR FUNDING UNDER A.R.S. § 42-5031.01

MOVED: VICE CHAIRMAN VERLON JOSE

SECOND: COUNCILWOMAN PHYLLIS JUAN

DATE: APRIL 05, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL (<i>Absent</i>) (Vernon J. Smith) (<i>Present</i>)	155.40	X			
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
GU VO 193.1	1. RAYMOND VICTOR ()	96.55	X			
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			
HICKIWAN 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70	X			
	2. SANDRA ORTEGA ()	83.70	X			
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			X
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. JOHN W. LAWSON, SR. ()	84.50	X			
	2. GLORIA RAMIREZ ()	84.50	X			
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90	X			
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X			
	2. PHYLLIS JUAN ()	73.45	X			
SELLS 421.0	1. MARLENE SARAFICIO-JUAN ()	210.50	X			
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50	X			
SIF OIDAK 186.7	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35			X	
	2. DARLENE ANDREW (Rita Martinez)	93.35			X	
TOTAL		2,440.80	2,254.1	-0-	186.7	[01]

****PASSED VOTES**