

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Accepting Termination of the Tohono O'odham Farming Authority's Management Responsibility**  
**For Papago Farms and Transferring Management and Control to Chukut Kuk District)**

**RESOLUTION NO. 06-486**

- 1 **WHEREAS, according to Resolution No. 72-79 (August 31, 1979) of the Tohono O'odham Legislative**  
2 **Council (formerly known as the Papago Council) ("1979 Resolution"), in 1979, the**  
3 **Tohono O'odham Nation ("Nation"), was developing agricultural resources and**  
4 **operating farms within the Nation's Reservation; and**
- 5 **WHEREAS, pursuant to the 1979 Resolution, the Nation's Legislative Council created the Papago**  
6 **Farming Authority to carry on agricultural activities of the Nation within the**  
7 **Reservation according to the Papago Farming Authority Plan of Operation; and**
- 8 **WHEREAS, pursuant to the Resolution of the Tohono O'odham Legislative Council (Adopting**  
9 **Restated Plan of Operation for the Tohono O'odham Farming Authority) No. 283-90**  
10 **(August 15, 1990), the Nation's Legislative Council adopted amendments to the Papago**  
11 **Farming Authority Plan of Operation, changed the name of the Papago Farming**  
12 **Authority to the Tohono O'odham Farming Authority, and continued the Tohono**  
13 **O'odham Farming Authority's responsibility for the management of the Nation's**  
14 **agricultural resources; and**
- 15 **WHEREAS, the Tohono O'odham Farming Authority ("TOFA") currently operates under the**  
16 **Tohono O'odham Farming Authority Second Restated Plan of Operation ("Plan"); and**
- 17 **WHEREAS, pursuant to the Plan, including, without limitation, sections 3.1.4 and 4.20.1, TOFA is**  
18 **responsible for managing the Nation's agricultural resources, including Papago**  
19 **Farms in the Chukut Kuk District of the Nation; and**
- 20 **WHEREAS, the Plan empowers the TOFA Management Board ("Board") to direct the operations of**  
21 **TOFA to accomplish the purposes set forth in the Plan, including the management and**  
22 **operation of the Nation's agricultural resources; and**
- 23 **WHEREAS, in 2003-2004, the Board undertook a study to determine the viability of continued**  
24 **operations at Papago Farms; and**
- 25 **WHEREAS, the feasibility study determined the following:**
- 26 **1. The average cost of water at Papago Farms is between \$130 and \$150 per acre foot;**
  - 27 **2. The average cost of water at the San Lucy, Vaiva Vo, and Schuk Toak Farms, the**  
28 **other Nation farms for which TOFA has management responsibility, is between \$0-**  
29 **\$52 per acre foot of water, which is significantly less than the cost of water at**

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- 1                   **Papago Farms;**
- 2                   **3. Because of its remote location, labor and transportation costs at Papago Farms**
- 3                   **are higher than at other farms in Arizona;**
- 4                   **4. Over the past five years, the price of Arizona commodity crops has decreased to**
- 5                   **all-time lows;**
- 6                   **5. Papago Farm's high water, labor, and transportation costs result in production**
- 7                   **costs for alfalfa that are four times as high as the cost of raising the same crop at**
- 8                   **other farms in Arizona;**
- 9                   **6. High production costs and low commodity prices have combined to make it**
- 10                  **impossible to continue operating Papago Farms without large financial losses**
- 11                  **that can only be made up with revenue from other farms;**
- 12                  **7. In recent years, TOFA has lost \$327,000 annually in its alfalfa production at**
- 13                  **Papago Farms;**
- 14                  **8. The quality of the soil at Papago Farms is poor because the soil contains high**
- 15                  **levels of sodium;**
- 16                  **9. Because of its proximity to the Mexican border, Papago Farms is directly**
- 17                  **impacted by illegal immigration and drug smuggling activities, making it**
- 18                  **dangerous for TOFA employees living and working at the Farms and difficult for**
- 19                  **TOFA to recruit and retain qualified workers;**
- 20                  **10. Other options, such as producing traditional and high value crops or undertaking**
- 21                  **aquaculture and livestock programs at Papago Farms, are not economically**
- 22                  **feasible;**
- 23                  **11. If TOFA were to terminate its farming activities at Papago Farms, it would save**
- 24                  **approximately \$264,000 in its 2004 budget; and**
- 25                  **12. TOFA can use the existing labor and property currently committed to Papago**
- 26                  **Farms to increase production at San Lucy, Vaiva Vo, and Schuk Toak Farms;**
- 27                  **and**

28 **WHEREAS, based on these findings and the feasibility study's conclusion that other options for**

29 **making Papago Farms profitable were not feasible, on March 25, 2004, the Board voted**

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- 1           to terminate all farming activities at Papago Farms; and
- 2 **WHEREAS, the Board has determined that it is in the best interest of TOFA to relinquish all**
- 3           **authority over and rights, responsibilities, and obligations for Papago Farms,**
- 4           **including, without limitation, all rights, responsibilities, and obligations to manage**
- 5           **and conduct farming operations at Papago Farms and for real property located at**
- 6           **Papago Farms; and**
- 7 **WHEREAS, in May 2005, pursuant to Resolution No. 05-233, the Tohono O'odham Legislative**
- 8           **Council delegated authority over TOFA to the Chairwoman of the Tohono O'odham**
- 9           **Nation, and pursuant to that authority the Chairwoman of the Nation suspended the**
- 10          **TOFA Management Board and assumed the powers of the Management Board; and**
- 11 **WHEREAS, the Chairwoman of the Nation has also determined that it is in the best interest of**
- 12          **TOFA and the Nation for TOFA to relinquish its authority over and rights,**
- 13          **responsibilities, and obligations for Papago Farms; and**
- 14 **WHEREAS, Exhibit A to this Resolution lists TOFA personal property (1) formerly located at Papago**
- 15          **Farms and transferred to San Lucy, Schuk Toak, or Vaiva Vo Farms or sold after the**
- 16          **Board terminated farming activities at Papago Farms or (2) that TOFA plans to transfer**
- 17          **from Papago Farms to San Lucy Farms after the Tohono O'odham Legislative Council**
- 18          **accepts the termination of all of TOFA's authority, rights, responsibilities, and**
- 19          **obligations with respect to Papago Farms; and**
- 20 **WHEREAS, Exhibit B to this Resolution lists the TOFA property that will remain at Papago Farms**
- 21          **after the Tohono O'odham Legislative Council accepts the termination of all of TOFA's**
- 22          **authority, rights, responsibilities, and obligations with respect to Papago Farms; and**
- 23 **WHEREAS, the Nation's Legislative Council has determined that it is in the best interest of the**
- 24          **Nation to accept the termination of TOFA's authority over and all rights,**
- 25          **responsibilities for Papago Farms; and**
- 26 **WHEREAS, the Chukut Kuk District Council has requested that the Nation transfer management**
- 27          **and control of approximately 3,600 acres which is known as the Papago Farms back**
- 28          **to the Chukut Kuk District for communal pastures, gardens, or for public purposes**
- 29          **of any sort, or to be leased by the District in accordance with Article XVI of the Tohono**
- 30          **O'odham Nation Constitution, (Per District Res. No. 2006-34); and**

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1 **WHEREAS, the Chukut Kuk District requests that the Tohono O'odham Nation, the Tohono**  
2 **O'odham Farming Authority and the Chukut Kuk District collaboratively continue to**  
3 **ensure that all environmental concerns and impacts caused by any prior activity will**  
4 **be addressed jointly in the best interest of the District and the Nation, (*Per District***  
5 ***Res. No. 2006-34*).**

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

- 7 **1. Accepts the termination of TOFA's authority over and all rights, responsibilities,**  
8 **and obligations for Papago Farms, including, without limitation, all authority,**  
9 **rights, responsibilities, and obligations relating to (1) the management of Papago**  
10 **Farms, (2) the conduct of farming activities at Papago Farms, and (3) all real**  
11 **property located at Papago Farms;**
- 12 **2. Approves TOFA's transfer or proposed transfer of personal property listed in**  
13 **Exhibit A;**
- 14 **3. Authorizes TOFA to take any and all other actions required to terminate TOFA's**  
15 **authority, rights, responsibilities, and obligations for Papago Farms; and**
- 16 **4. Agrees to transfer management and control of the approximately 3,600 acres**  
17 **which is known as the Papago Farms to the Chukut Kuk District for communal**  
18 **pastures, gardens, or for public purposes of any sort, or to be leased by the**  
19 **District in accordance with Article XVI of the Tohono O'odham Nation**  
20 **Constitution.**
- 21 **5. Agrees that the Tohono O'odham Nation, the Tohono O'odham Farming Authority,**  
22 **and the Chukut Kuk District will collaboratively continue to ensure that all**  
23 **environmental concerns and impacts caused by any prior activity be addressed**  
24 **jointly in the best interest of the District and the Nation..**

25 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 14<sup>TH</sup> Day**  
26 **of JULY, 2006 at a meeting at which a quorum was present with a vote of 2,247.0 FOR; -0- AGAINST;**  
27 **-0- NOT VOTING; and 193.8[08] ABSENT, pursuant to the powers vested in the Council by Article**  
28 **VI, Section 1 (i)(2) and Article XVI, Section 5 of the Constitution of the Tohono O'Odham Nation,**  
29 **adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy**  
30 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act**  
31 **of June 18, 1934 (48 Stat. 984).**

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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

  
\_\_\_\_\_  
Evelyn B. Juan Manuel, Legislative Chairwoman

19<sup>th</sup> day of July, 2006

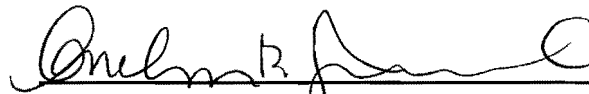
**ATTEST:**

  
\_\_\_\_\_  
Lucille Lopez, Acting Legislative Secretary

14 day of July, 2006.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 19<sup>th</sup> day of July, 2006 at 4:13 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

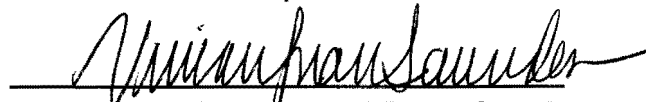
  
\_\_\_\_\_  
Evelyn B. Juan Manuel, Legislative Chairwoman

APPROVED

on the 19 day of July, 2006

DISAPPROVED

at 6:55 o'clock, P.M.

  
\_\_\_\_\_  
VIVIAN JUAN-SAUNDERS, CHAIRWOMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 20 day of

July, 2006, at 10:05 o'clock, A.M.

  
\_\_\_\_\_  
Lucille Lopez, Acting Legislative Secretary

**ACTION: ACCEPTING TERMINATION OF THE TOHONO O'ODHAM FARMING AUTHORITY'S MANAGEMENT RESPONSIBILITY FOR PAPAGO FARMS AND TRANSFERRING MANAGEMENT AND CONTROL TO CHUKUT KUK DISTRICT**

**MOVED: VICE CHAIRMAN VERLON JOSE**

**SECOND: COUNCILWOMAN ETHEL GARCIA**

**DATE: JULY 14, 2006**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> <b>310.8</b>	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			
<b>CHUKUT KUK</b> <b>258.7</b>	1. ETHEL GARCIA ( )	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
<b>GU ACHI</b> <b>221.6</b>	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			X
<b>GU VO</b> <b>193.1</b>	1. RAYMOND VICTOR ( )	96.55	X			X
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			
<b>HICKIWAN</b> <b>167.4</b>	1. DELMA GARCIA (Mary E. Sam)	83.70	X			X
	2. SANDRA ORTEGA ( )	83.70	X			
<b>PISINEMO</b> <b>171.8</b>	1. BARBARA SALVICIO ( )	85.90	X			X
	2. GERALD FAYUANT ( )	85.90	X			
<b>SAN LUCY</b> <b>169.0</b>	1. JOHN W. LAWSON, SR. ( )	84.50	X			
	2. GLORIA RAMIREZ** ( )	84.50	X			
<b>SAN XAVIER</b> <b>193.8</b>	1. FELICIA NUÑEZ ( )	96.90				X
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90				X
<b>SCHUK TOAK</b> <b>146.9</b>	1. FRANCES B. CONDE ( )	73.45	X			
	2. PHYLLIS JUAN ( )	73.45	X			X
<b>SELLS</b> <b>421.0</b>	1. MARLENE SARAFICIO-JUAN ( )	210.50	X			X
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50	X			
<b>SIF OIDAK</b> <b>186.7</b>	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35	X			
	2. DARLENÉ ANDREW ( <i>Absent</i> ) (Rita Martinez) ( <i>Present</i> )	93.35	X			
<b>TOTAL</b>		<b>2,440.80</b>	<b>2,247.0</b>	<b>-0-</b>	<b>-0-</b>	<b>193.8</b> <b>[08]</b>

\*\*PASSED VOTES