

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Implementing Resolution No. 14-525, "Authorizing the Treasurer to Establish a Water Revenue Account and Open an Investment Account with Bank of America for Revenues from Water Transactions" and Designating Water Revenue Account)

RESOLUTION NO. 15-221

1 **WHEREAS,** "All waters which originate in or flow in, into or through the Tohono O'odham
2 Nation, or which are stored in the Tohono O'odham Nation, whether found on
3 the surface or underground, are a valuable public resource of the Tohono
4 O'odham Nation to be protected for the present and future use of the Tohono
5 O'odham Nation as a whole." (Constitution of the Tohono O'odham Nation,
6 Article XVII, Section 1); and

7 **WHEREAS,** under the Southern Arizona Water Rights Settlement Act Amendments (the
8 "SAWRSA Amendments"), which are Title III of the Arizona Water Settlements Act
9 of 2004, Public Law 108-451, the Tohono O'odham Nation (the "Nation") is entitled
10 to receive 66,000 acre-feet of Central Arizona Project ("CAP") water per year for
11 uses on or off the reservation; and

12 **WHEREAS** the Nation has received funds from the Office of the Special Trustee from the
13 Tucson Interim Water Lease identified in Section 309(i) of the SAWRSA
14 Amendments and these funds are held in the Interim Water Lease Account
15 established by Resolution 12-062; and

16 **WHEREAS,** additional water transaction-related funds, including but not limited to funds
17 reimbursed to the Nation by the Bureau of Reclamation for expenditures on the
18 Nation's water resources inventory, are currently held in the Nation's general
19 fund; and

20 **WHEREAS,** in December 2014 the Legislative Council enacted Resolution No. 14-525,
21 "Authorizing the Treasurer to Establish a Water Revenue Account and Open an
22 Investment Account with Bank of America for Revenues from Water
23 Transactions," in part, to hold and invest certain water transaction-related
24 funds ("Water Transaction Funds"), but to date no funds have been transferred
25 into the Water Revenue Account from the Interim Water Lease Account or the
26 Nation's general fund; and

27 **WHEREAS,** the Budget and Finance Committee is vested with the power to "make
28 continuing studies of the effect on budget, contract or grant outlays of relevant
29 existing and proposed legislation" and to "review and recommend legislative
30 measures or actions affecting (i) the establishment of bank accounts for, and the
31 deposit or expenditure of public moneys" (Plan of Operation for Budget and
32 Finance Committee, III.B.15. and 16.); and

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1 **WHEREAS, the Budget and Finance Committee, in consultation with the Nation's**
2 **chairperson, treasurer and the Water Resources Committee, has evaluated the**
3 **effect of transferring Water Transaction Funds from the Interim Water Lease**
4 **Account and the Nation's general fund to a Water Revenue Account and**
5 **recommends managing such funds in a manner that does not negatively impact**
6 **the general fund while also carrying out the intent of Resolution No. 14-525.**

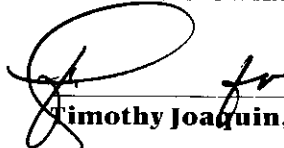
7 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that the**
8 **existing Interim Water Lease Account is designated as the Water Revenue**
9 **Account established by Resolution No. 14-525 and the treasurer is no longer**
10 **authorized or directed to create a new account for that purpose.**

11 **BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that Water Transaction**
12 **Funds that are received by the Nation after May 1, 2015, including all investment**
13 **income generated by those funds, shall be deposited into the Water Revenue**
14 **Account in accordance with the additional provisions of Resolution No. 14-525.**

15 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that one-half of the**
16 **balance of Water Transaction Funds that were deposited in the Nation's general**
17 **fund on or before May 1, 2015, including investment income generated by those**
18 **funds, shall be transferred to the Water Revenue Account on or before March 31,**
19 **2016 and the remainder of the Water Transaction Funds within the general**
20 **fund, including all remaining investment income, shall be transferred to the**
21 **Water Revenue Account on or before September 30, 2016.**

22 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11TH**
23 **day of JUNE, 2015 at a meeting at which a quorum was present with a vote of 2,752.7 FOR; 174.2**
24 **AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by**
25 **Article VI, Section 1(d)(2) and Article XVII, Section 1 of the Constitution of the Tohono O'odham**
26 **Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the**
27 **Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to**
28 **Section 16 of the Act of June 18, 1934 (48 Stat.984).**
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31 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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36 **Timothy Joaquin, Legislative Chairman**
37 15 day of June, 2015
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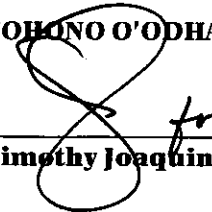
1 **ATTEST:**

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4 **Evonne Wilson, Legislative Secretary**

5 15 day of June, 2015
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8 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
9 **O'odham Nation on the 15 day of June, 2015 at 3:27 o'clock, P .m.,**
10 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
11 **effective upon his approval or upon his failure to either approve or disapprove it within 48**
12 **hours of submittal.**

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15 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

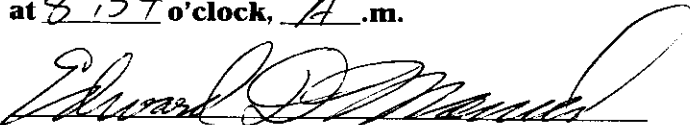
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18 **Timothy Joaquin, Legislative Chairman**

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24 **APPROVED**

on the 16 day of June, 2015

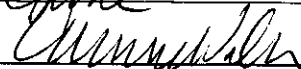
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26 **DISAPPROVED**

at 8:34 o'clock, A .m.

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30 **EDWARD D. MANUEL, CHAIRMAN**
31 **TOHONO O'ODHAM NATION**

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36 **Returned to the Legislative Secretary on the 16 day of**

37 June, 2015, at 9:42 o'clock, a .m.

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41 **Evonne Wilson, Legislative Secretary**

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ACTION: IMPLEMENTING RESOLUTION NO. 14-525, "AUTHORIZING THE TREASURER TO ESTABLISH A WATER REVENUE ACCOUNT AND OPEN AN INVESTMENT ACCOUNT WITH BANK OF AMERICA FOR REVENUES FROM WATER TRANSACTIONS" AND DESIGNATING WATER REVENUE ACCOUNT

Moved: COUNCILWOMAN LORETTA LEWIS

SECOND: COUNCILWOMAN ETHEL GARCIA

DATE: JUNE 11, 2015

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 224.2	1. LUCINDA ALLEN (Nicholas Jose)	112.1	X			
	2. MARY LOPEZ ()	112.1	X			
SELLS 502.0	1. ARTHUR WILSON (<i>Absent</i>) (Ophelia Patten) (<i>Present</i>)	251.0	X			
	2. BARBARA HAVIER (Beverly Rivas)	251.0	X			
SCHUK TOAK 174.2	1. ANTHONY J. RIOS ()	87.1		X		X
	2. QUINTIN C. LOPEZ (John Fendenheim)	87.1		X		
SAN XAVIER 224.2	1. HILARION CAMPUS (Daniel L.A. Preston, III)	112.1	X			X
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	112.1	X			
SAN LUCY 219.6	1. DIANA MANUEL (Gloria Ramirez)	109.8	X			
	2. JANA MONTANA ()	109.8	X			
PISINEMO 210.6	1. CHESTER ANTONE (Tony Murrietta)	105.3	X			X
	2. EDWARD MANUEL, SR. ()	105.3	X			
HICKIWAN 196.9	1. LOUIS R. LOPEZ ()	98.45	X			
	2. SANDRA ORTEGA (Manuel Osequeda, Jr.)	98.45	X			
GU VO 241.0	1. GRACE MANUEL (Floyd Flores)	120.5	X			
	2. PAMELA ANGHILL (<i>Absent</i>) (Jeffery Antone, Sr.) (<i>Present</i>)	120.5	X			X
GU ACHI 257.3	1. TIMOTHY L. JOAQUIN ()	128.65	X			
	2. LORETTA LEWIS (Louis Johnson)	128.65	X			
CHUKUT KUK 319.2	1. ETHEL GARCIA (Marlakay C. Henry)	159.6	X			
	2. BILLMAN LOPEZ ()	159.6	X			
BABOQUIVARI 357.7	1. FRANCES MIGUEL (Roberta Harvey)	178.85	X			
	2. VERNON J. SMITH (Gloria Zazueta)	178.85	X			
TOTAL		2,926.9	2,752.7	174.2	-0-	[04]