

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Appointing Agricultural and Natural Resources Committee Members to Tohono O'odham
Farming Authority Interim Management Board)

DEFEATED
RESOLUTION NO. 15-292

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the authority to enact**
2 **ordinances "to promote, protect and provide for public health, peace, morals,**
3 **education and general welfare of the Tohono O'odham Nation and its members"**
4 **and "to manage any funds within the exclusive control of the Tohono O'odham**
5 **Nation, including proceeds derived from lands and resources of the Tohono**
6 **O'odham Nation, and to appropriate these funds for the benefit of the nation**
7 **and its members" (Constitution, Article VI, Section 1(c)(2) and 1(d)(2)); and**

8 **WHEREAS, the Nation's Farming Authority was established as a for-profit enterprise vested**
9 **with authority for the "custody and management, operation, inventory and**
10 **maintenance of: (1) all farms and agricultural facilities and activities set aside**
11 **therefor by the Tohono O'odham Nation" with management responsible for day-**
12 **to-day operations and five Directors comprising the Management Board**
13 **(Tohono O'odham Farming Authority Second Restated Plan of Operation, 2**
14 **T.O.C. Chapter 1 - Tohono O'odham Farming Authority, Section 4.1 and Section**
15 **4.20.3); and**

16 **WHEREAS, in response to concerns raised in 2005, the Legislative Council by Resolution No.**
17 **05-233 authorized the Nation's chairperson to assume certain authorities of the**
18 **Tohono O'odham Farming Authority and its Management Board and the Board**
19 **has been inactive since that time; and**

20 **WHEREAS, in 2013 the Legislative Council expressed concern over TOFA management and**
21 **operations; and**

22 **WHEREAS, in 2014 the Legislative Council by Resolution No. 14-128 amended the TOFA Plan**
23 **of Operation in an effort to reestablish a functioning Management Board by**
24 **reducing the required number of Directors, adjusting quorum requirements,**
25 **and increasing Directors' terms, but no Board has been appointed; and**

26 **WHEREAS, the issues the Legislative Council has raised with TOFA and in communications**
27 **with the Nation's chairperson remain unresolved; and**

1 **WHEREAS, it is in the Nation's best interest that an interim board be appointed for a limited**
2 **time to exercise the Board's functions and evaluate TOFA operations and fiscal**
3 **management pending the appointment of qualified, permanent Directors.**

4 **NOW, THEREFORE, BE IT RESOLVED that, notwithstanding provisions of 2 T.O.C. Chapter 1 to**
5 **the contrary, and with the concurrence of the Nation's chairperson, the Tohono**
6 **O'odham Legislative Council appoints Rep. Billman Lopez, Rep. Monica Morgan,**
7 **Rep. Anthony J. Francisco, Jr., and Rep. Mary Lopez as interim Directors to the**
8 **TOFA Board of Directors vested with all the duties and responsibilities of**
9 **Management Board Directors, including but not limited to the power to employ**
10 **legal counsel, auditors, direct forensic or other necessary audits, and employ or**
11 **terminate principal operating executives; provided that**

12 **(1) The appointments made by this resolution shall be exempt from the**
13 **Tohono O'odham Nation Board Appointment Guidelines.**

14 **(2) An interim Director to the TOFA Management Board who is a Legislative**
15 **Council representative shall not receive a stipend or per diem for**
16 **attending Board meetings but shall be eligible for mileage**
17 **reimbursement and other payments in accordance with the written**
18 **policies of the Tohono O'odham Legislative Council**

19 **(3) The interim Director to the TOFA Management Board who is a Legislative**
20 **Council representative shall be eligible for election by the interim TOFA**
21 **Management Board to any Board officer position except Board**
22 **chairperson.**

23 **(4) The interim appointments made by this resolution shall expire six**
24 **months from the effective date of this resolution except as otherwise**
25 **provided by subsequent action of the Legislative Council; provided that**
26 **the appointment of a Legislative Council representative made by this**
27 **resolution shall immediately terminate if the interim Director is no**
28 **longer serving on the Legislative Agricultural and Natural Resources**
29 **Committee or is replaced by another Director who is not a Legislative**
30 **Council representative.**

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(5) The interim Management Board shall submit written monthly updates to the Legislative Council and Nation's chairperson summarizing its activities.

BE IT FURTHER RESOLVED that Resolution No. 05-233 and all TOFA Management Board appointments made prior to the effective date of this resolution are repealed.

BE IT FINALLY RESOLVED that permanent Management Board Directors shall be appointed in accordance with 2 T.O.C. Chapter 1 and the Nation's Board Appointment Guidelines.


The foregoing Resolution was defeated by the Tohono O'odham Legislative Council on the 03RD day of AUGUST, 2015 at a meeting at which a quorum was present with a vote of 1,124.35 FOR; 1,890.95 AGAINST; -0- NOT VOTING and [03] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(b) and 1(d) and 1(c)(2) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman
12 day of August, 2015

ATTEST:



Evonne Wilson, Legislative Secretary
12 day of August, 2015

**DEFEATED
RESOLUTION NO. 15-292**

ACTION: APPOINTING AGRICULTURAL AND NATURAL RESOURCES COMMITTEE MEMBERS TO TOHONO O'ODHAM FARMING AUTHORITY INTERIM MANAGEMENT BOARD

Moved: COUNCILMAN BILLMAN LOPEZ

Second: COUNCILWOMAN MARY LOPEZ

DATE: AUGUST 03, 2015

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.1	1. FRANCES MIGUEL (Roberta E. Harvey)	183.55	X			
	2. VERNON J. SMITH (Gloria Zazueta)	183.55		X		
CHUKUT KUK 331.9	1. ETHEL GARCIA (Marlakay K. Henry)	165.95		X		
	2. BILLMAN LOPEZ (Patricia Vicenti)	165.95	X			
GUACHI 265.1	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.55		X		
	2. LORETTA LEWIS ()	132.55		X		
GU VO 249.6	1. GRACE MANUEL (Dallas Lewis)	124.8	X			
	2. PAMELA ANGHILL (<i>Absent</i>) (Jeffery Antone, Sr.) (<i>Present</i>)	124.8	X			X
HICKIWAN 204.9	1. LOUIS R. LOPEZ (Shirley Molina)	102.45	X			
	2. SANDRA ORTEGA ()	102.45	X			X
PISINEMO 220.0	1. CHESTER ANTONE (Tony Murrletta)	110.0		X		X
	2. MONICA K. MORGAN ()	110.0		X		
SAN LUCY 222.9	1. DIANA MANUEL ()	111.45		X		
	2. JANA MONTANA (Gloria Ramirez)	111.45		X		
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III (Gene Enis)	114.3	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.3		X		
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. (Theresa Donahue)	90.3	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.3		X		
SELLS 513.1	1. ARTHUR WILSON (Beverly Rivas)	256.55		X		
	2. BARBARA HAVIER ()	256.55		X		
SIF OIDAK 231.5	1. LUCINDA ALLEN (Nicholas Jose)	115.75		X		
	2. MARY LOPEZ ()	115.75	X			
TOTAL		3,015.3	1,124.35	1,890.95	-0-	[03]