

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the Tax Penalty Settlement Agreement between the Tohono O'odham
Nation and Francisco Enterprises, LLC)**

RESOLUTION NO. 15-413

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to "exercise**
2 **the inherent powers of the Tohono O'odham Nation by providing laws,**
3 **ordinances or resolutions: to govern the conduct of members of the Tohono**
4 **O'odham Nation and other persons within its jurisdiction and to exercise the**
5 **following fiscal powers: to levy duties, fees, taxes and assessments on any**
6 **person, corporation or association residing or doing business within the**
7 **Tohono O'odham Nation..." (Constitution of the Tohono O'odham Nation, Article**
8 **VI, Section 1(c)(1); (d)(4)); and**

9 **WHEREAS, Francisco Enterprises, LLC is located on Tohono O'odham Nation at 2161 W.**
10 **Drexel Road, Tucson, AZ and has been transacting business as a tobacco shop**
11 **pursuant to 22 T.O.C. Ch.2 since at least June 11, 2007; and**

12 **WHEREAS, 22 T.O.C. Ch. 1 Section 1102 provides for the levy and collection of Tobacco taxes**
13 **on "every person engaging in the business of selling tobacco products at retail**
14 **within the Tohono O'odham Nation"; and**

15 **WHEREAS, 22 T.O.C. Ch. 2 Sections 7 and 10 provides for the assessment of penalties and**
16 **interest on any delinquent tax payments; and**

17 **WHEREAS, the Office of the Treasurer assessed penalties against Francisco Enterprises, LLC**
18 **in the amount of \$4,540,252.61, and assessed interest in the amount of**
19 **\$1,374,289.30; and**

20 **WHEREAS, the Office of the Treasurer and Francisco Enterprises, LLC have negotiated a**
21 **proposed settlement for payment of 40% of the penalties and interest pursuant**
22 **to Tohono O'odham Legislative Resolution No. 15-283; and**

23 **WHEREAS, the proposed Tax Penalty Settlement Agreement provides for the Office of the**
24 **Treasurer to collect assessed penalties and interest from Francisco Enterprises**
25 **in the amount of \$2,365,816.77 over a 10 year period beginning September 30,**
26 **2017; and**

27 **WHEREAS, this resolution has been reviewed by the Budget and Finance Committee which**
28 **recommends approval by the Legislative Council.**

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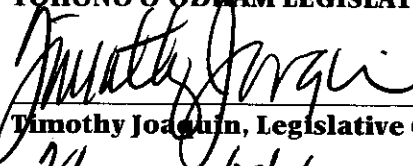
(Approving the Tax Penalty Settlement Agreement between the Tohono O'odham Nation and Francisco Enterprises, LLC)

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1 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby**
2 **approves the Tax Penalty Settlement Agreement between the Tohono O'odham**
3 **Nation and Francisco Enterprises, LLC, substantially in the form attached**
4 **hereto; and authorizes the Chairman to execute it.**

5 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 28TH**
6 **day of OCTOBER, 2015 at a meeting at which a quorum was present with a vote of 2,060.2 FOR;**
7 **961.2 AGAINST; -0- NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council**
8 **by Article VI, Section 1(c)(1);(d)(4) of the Constitution of the Tohono O'odham Nation, adopted**
9 **by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy**
10 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of**
11 **the Act of June 18, 1934 (48 Stat.984).**

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14 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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18 **Timothy Joaquin, Legislative Chairman**

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20 28 day of October, 2015

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24 **ATTEST:**

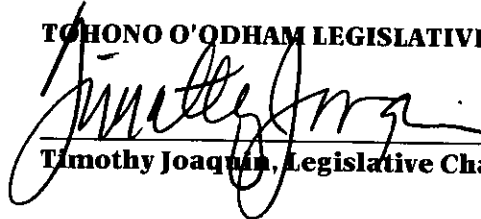
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27 **Evonne Wilson, Legislative Secretary**

28
29 28 day of October, 2015

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31 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
32 **O'odham Nation on the 28 day of October, 2015 at 3:23 o'clock, P .m.,**
33 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
34 **effective upon his approval or upon his failure to either approve or disapprove it within 48**
35 **hours of submittal.**

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38 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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42 **Timothy Joaquin, Legislative Chairman**

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APPROVED

on the 28th day of October, 2015

DISAPPROVED

at 3:38 o'clock, P.m.


EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 28 day of

October, 2015, at 3:45 o'clock, P.m.


Evonne Wilson, Legislative Secretary

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ACTION: APPROVING THE TAX PENALTY SETTLEMENT AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION AND FRANCISCO ENTERPRISES, LLC

Moved: COUNCILWOMAN BARBARA HAVIER

SECOND: COUNCILMAN VERNON SMITH

DATE: OCTOBER 28, 2015

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (<i>Absent</i>) (Roberta E. Harvey) (<i>Present</i>)	183.60	X			
	2. VERNON J. SMITH (Gloria Zazueta)	183.60	X			
CHUKUT KUK 332.1	1. ETHEL GARCIA (<i>Absent</i>) (Marlakay K. Henry) (<i>Present</i>)	166.05		X		X
	2. BILLMAN LOPEZ (Patricia Vicenti)	166.05		X		
GU ACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50	X			
	2. LORETTA LEWIS ()	132.50	X			
GU VO 250.6	1. GRACE MANUEL (<i>Absent</i>) (Dallas Lewis) (<i>Present</i>)	125.30	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	125.30	X			
HICKIWAN 205.8	1. LOUIS R. LOPEZ (Shirley Molina)	102.90	X			
	2. SANDRA ORTEGA ()	102.90	X			
PISINEMO 219.9	1. CHESTER ANTONE ()	109.95		X		X
	2. MONICA K. MORGAN ()	109.95		X		
SAN LUCY 226.5	1. DIANA MANUEL ()	113.25	X			
	2. JANA MONTANA (Gloria Ramirez)	113.25	X			X
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III (Gene Enis)	114.30		X		
	2. RACHEAL VILSON-STONER (<i>Absent</i>) (Olivia Villegas-Liston) (<i>Present</i>)	114.30		X		X
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ()	90.30		X		
	2. QUINTIN C. LOPEZ (<i>Absent</i>) (John Fendenheim) (<i>Present</i>)	90.30		X		
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75	X			
	2. BARBARA HAVIER ()	256.75	X			
SIF OIDAK 231.6	1. LUCINDA ALLEN (<i>Absent</i>) (Nicholas Jose) (<i>Present</i>)	115.80	X			X
	2. MARY LOPEZ ()	115.80	X			
TOTAL		3,021.4	2,060.2	961.2	-0-	[05]