

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the San Xavier Cooperative Association 9B Farm Cashout Budget
and Expenditure of SAWRSA Amendments 9B Farm Cashout Funds)**

RESOLUTION NO. 15-495

1 **WHEREAS, the Constitution of the Tohono O'odham Nation provides in part that no "district**
2 **council shall expand district funds except pursuant to budgets authorized**
3 **under resolutions of the district council and approved by the Tohono O'odham**
4 **Council." (Constitution, Article IX, Section 7); and**

5 **WHEREAS, the 2004 Southern Arizona Water Rights Settlement Act ("SAWRSA")**
6 **Amendments, P.L. 108-451, authorized the San Xavier District Council to elect to**
7 **receive \$18.3 million in lieu of the federal government's obligation to construct**
8 **the proposed 9B Farm on the San Xavier Indian Reservation (SAWRSA**
9 **Amendments, Section 304(c)(3)(A)(ii)); and**

10 **WHEREAS, by San Xavier District Council Resolution #10-09-10, the San Xavier District**
11 **Council elected to receive the in lieu payment and accrued interest ("9B Farm**
12 **Cashout Fund"); and**

13 **WHEREAS, the San Xavier 9B Farm Cashout Fund principal and any interest may be**
14 **expended in accordance with a budget that is authorized by the San Xavier**
15 **District Council and approved by resolution of the Legislative Council (SAWRSA**
16 **Amendments, Section 304(f)(1)(B)(i) and (ii)); and**

17 **WHEREAS, the SAWRSA Amendments provide that the 9B Farm Cashout Fund may be**
18 **expended for various designated purposes, including: subjugation of land,**
19 **development of water resources, or construction, operation, maintenance or**
20 **replacement of facilities within the San Xavier Reservation not required to be**
21 **carried out by the United States under the SAWRSA Amendments; economic**
22 **development loans or assistance; to provide benefits to allottees; and to pay any**
23 **administrative costs incurred by the Nation or the San Xavier District in**
24 **conjunction with any of these uses (SAWRSA Amendments, Section 304 (f)(1)(C));**
25 **and**

26 **WHEREAS, the SAWRSA Amendments allocate 50,000 acre feet of Central Arizona Project**
27 **water for use to the San Xavier Reservation or otherwise by the Nation in**
28 **accordance with Section 309 of the SAWRSA Amendments (SAWRSA**
29 **Amendments, Section 304(a)(1) and (a)(2) and Section 306 (a)(1) and (a)(2)); and**

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1 **WHEREAS, the San Xavier Cooperative Association Farm, which has received delivery of CAP**
2 **water since 2007, leases tribal and allotted lands for farming hay and grain**
3 **crops, traditional O'odham food crops and produce for the O'odham and non-**
4 **O'odham community, and provides employment for the O'odham community;**
5 **and**

6 **WHEREAS, scheduled 28-day CAP water outages in October-November 2014 and 2015 for**
7 **repair and maintenance of the CAP system resulted in a loss of crop yields and**
8 **operating income for the Farm, and delayed field improvements; and**

9 **WHEREAS, the San Xavier Cooperative Association Board and management deemed it**
10 **necessary to seek funding to supplement operational costs for field renovations,**
11 **to formulate an implementation plan for a new Farm lease, for possible changes**
12 **in the Farm organizational structure, for farm field acreage expansion; and for**
13 **audit costs ("San Xavier Cooperative Association 9B Farm Cashout Budget"); and**

14 **WHEREAS, in July 2015, the San Xavier Cooperative Association Board and management**
15 **first submitted the funding proposal using funds from the Tohono O'odham**
16 **Nation's SAWRSA Trust Fund; and**

17 **WHEREAS, for a number of reasons, the Water Resources Committee did not recommend**
18 **appropriating SAWRSA Trust Funds for the San Xavier Cooperative Association**
19 **funding proposal; and**

20 **WHEREAS, the San Xavier Cooperative Association then requested from the San Xavier**
21 **District funding from the 9B Farm Cashout Fund; and**

22 **WHEREAS, the San Xavier District Council approved the San Xavier Cooperative Association**
23 **9B Farm Cashout Budget from the SAWRSA Amendments 9B Farm Cashout Fund**
24 **by San Xavier District Council Resolution No. 12-15-06; and**

25 **WHEREAS, the Budget and Finance Committee reviewed the San Xavier Cooperative**
26 **Association 9B Farm Cashout Budget and recommends approval.**

27 **NOW, THEREFORE, BE IT RESOLVED that in accordance with the SAWRSA Amendments and**
28 **Nation's Constitution, the Tohono O'odham Legislative Council:**

- 29 **(1) approves the San Xavier Cooperative Association 9B Farm Cashout Budget**
30 **from the SAWRSA Amendments 9B Farm Cashout Fund in the amount of**

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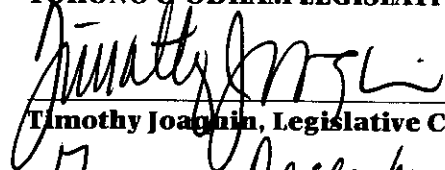
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\$661,000, provided that any change in the funding amounts or the purpose for which funds are used must be authorized by San Xavier District Council resolution and approved by the Legislative Council.

(2) approves the expenditure by the San Xavier Cooperative Association Farm of \$661,000 in accordance with the San Xavier Cooperative Association 9B Farm Cashout Budget.

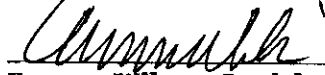
The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 17th day of DECEMBER, 2015 at a meeting at which a quorum was present with a vote of 2,382.2 FOR; 458.6 AGAINST; -0- NOT VOTING; and 180.6 [03] ABSENT, pursuant to the powers vested in the Council by Article IX, Section 7 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
17 day of December, 2015

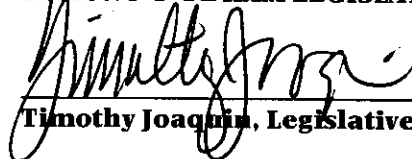
ATTEST:



Evonne Wilson, Legislative Secretary
17 day of December, 2015

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 18 day of December, 2015 at 9:59 o'clock, a.m., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

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APPROVED

on the 18th day of December, 2015

DISAPPROVED

at 11:50 o'clock, A.m.



EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 18 day of

December, 2015, at 1:18 o'clock, P.m.



Evonne Wilson, Legislative Secretary

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ACTION: APPROVING THE SAN XAVIER COOPERATIVE ASSOCIATION 9B FARM CASHOUT BUDGET AND EXPENDITURE OF SAWRSA AMENDMENTS 9B FARM CASHOUT FUNDS

MOVED: COUNCILMAN DANIEL PRESTON III

SECOND: COUNCILWOMAN MONICA MORGAN

DATE: DECEMBER 17, 2015

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (Roberta E. Harvey)	183.60	X			
	2. VERNON J. SMITH (Gloria Zazueta)	183.60	X			
CHUKUT KUK 332.1	1. ETHEL GARCIA (Marlakay K. Henry)	166.05	X			
	2. BILLMAN LOPEZ (Patricia Vicenti)	166.05	X			
GUACHI 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 (Dallas Lewis)	125.3	X			
	2. PAMELA ANGHILL(Absent) (Jeffery Antone, Sr.) (Present)	125.3	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		
	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			
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III ()	114.3	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.3	X			
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ()	90.3				X
	2. QUINTIN C. LOPEZ (Absent) (John Fendenheim) (Present)	90.3				X
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75	X			
	2. BARBARA HAVIER ()	256.75	X			
SIF OIDA 231.6	1. LUCINDA ALLEN (Absent) (Nicholas Jose) (Present)	115.80	X			X
	2. MARY LOPEZ ()	115.80	X			
TOTAL		3,021.4	2,382.2	458.6	-0-	180.6 [03]