

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

**RESOLUTION NO. 16-077**

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  
28

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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. Louis R. Lopez,**  
7 **Rep. Monica Morgan, Rep. Anthony J. Francisco, Jr., and Rep. Mary Lopez as**  
8 **interim Directors to the TOFA Board of Directors vested with all the duties and**  
9 **responsibilities of Management Board Directors, including but not limited to**  
10 **the power to employ legal counsel, auditors, direct forensic or other necessary**  
11 **audits, and employ or 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.**

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

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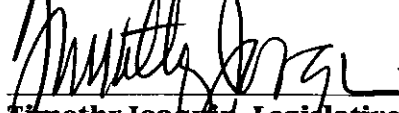
1                   (5)    **The interim Management Board shall submit written monthly updates to**  
2                                   **the Legislative Council and Nation's chairperson summarizing its**  
3                                   **activities.**

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5                   **appointments made prior to the effective date of this resolution are repealed.**


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

9   **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 19<sup>TH</sup>**  
10   **day of FEBRUARY, 2016 at a meeting at which a quorum was present with a vote of 2,587.0 FOR;**  
11   **-0- AGAINST; -0- NOT VOTING; and 434.4[06] ABSENT, pursuant to the powers vested in the**  
12   **Council by Article VI, Section 1(b), 1(d) & 1(c)(2) of the Constitution of the Tohono O'odham**  
13   **Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the**  
14   **Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to**  
15   **Section 16 of the Act of June 18, 1934 (48 Stat.984).**

17                   **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

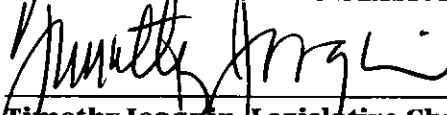
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19                   \_\_\_\_\_  
20                   **Timothy Joaquin, Legislative Chairman**  
21                   19 day of February, 2016

26   **ATTEST:**

27                     
28                   \_\_\_\_\_  
29                   **Evonne Wilson, Legislative Secretary**  
30                   19 day of February, 2016

33   **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**  
34   **O'odham Nation on the 19 day of February, 2016 at 5:07 o'clock, P.m.,**  
35   **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**  
36   **effective upon his approval or upon his failure to either approve or disapprove it within 48**  
37   **hours of submittal.**

39                   **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

40                     
41                   \_\_\_\_\_  
42                   **Timothy Joaquin, Legislative Chairman**

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APPROVED

on the 22 day of February, 2016

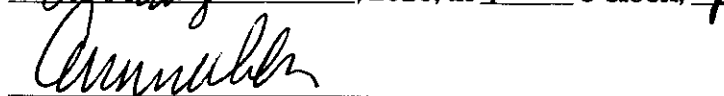
DISAPPROVED

at 12:26 o'clock, P.m.

  
EDWARD D. MANUEL, CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 22 day of

February, 2016, at 1:10 o'clock, P.m.

  
Evonne Wilson, Legislative Secretary