

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Extending Tohono O'odham Farming Authority Interim Management Board Appointments)

RESOLUTION NO. 16-414

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 and**
7 **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 (Tohono**
13 **O'odham Farming Authority Second Restated Plan of Operation, 2 T.O.C. Chapter**
14 **1 – Tohono O'odham Farming Authority, Section 4.1 and Section 4.20.3); and**

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

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

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

25 **WHEREAS, in 2016 the Legislative Council by Resolution No. 16-077 appointed Agricultural**
26 **and Natural Resources Committee members to Tohono O'odham Farming**
27 **Authority Interim Management Board; and**

28 **WHEREAS, it is in the Nation's best interest that the interim board appointments be extended**
29 **until successors are appointed to exercise the Board's functions and evaluate**
30 **TOFA operations and fiscal management.**

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

- 10 (1) **The appointments made by this resolution shall be exempt from the**
11 **Tohono O'odham Nation Board Appointment Guidelines.**
- 12 (2) **An interim Director to the TOFA Management Board who is a Legislative**
13 **Council representative shall not receive a stipend or per diem for**
14 **attending Board meetings but shall be eligible for mileage**
15 **reimbursement and other payments in accordance with the written**
16 **policies of the Tohono O'odham Legislative Council.**
- 17 (3) **The interim Director to the TOFA Management Board who is a Legislative**
18 **Council representative shall be eligible for election by the interim TOFA**
19 **Management Board to any Board officer position.**
- 20 (4) **The interim appointments made by this resolution shall expire**
21 **immediately upon the appointment of a successor and shall immediately**
22 **terminate if the interim Director is no longer serving on the Legislative**
23 **Agricultural and Natural Resources Committee or is replaced by another**
24 **Director who is not a Legislative Council representative.**
- 25 (5) **The interim Management Board shall submit written monthly updates to**
26 **the Legislative Council and Nation's chairperson summarizing its**
27 **activities.**
- 28 (6) **The term of each interim Management Board member shall be extended**
29 **until a successor has been appointed.**
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1 BE IT FINALLY RESOLVED that permanent Management Board Directors shall be appointed in
2 accordance with 2 T.O.C. Chapter 1 and the Nation's Board Appointment
3 Guidelines.

4 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 22ND day
5 of AUGUST, 2016 at a meeting at which a quorum was present with a vote of 3,021.4 FOR; -0-
6 AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by
7 Article VI, Section 1(b),1(d) and 1(c)(2) of the Constitution of the Tohono O'odham Nation,
8 adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy
9 Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the
10 Act of June 18, 1934 (48 Stat.984).

11 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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15 Timothy Joaquin, Legislative Chairman

16 24TH day of August, 2016

17 ATTEST:

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22 Evonne Wilson, Legislative Secretary

23 24 day of August, 2016

24 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
25 O'odham Nation on the 24 day of August, 2016 at 11:08 o'clock, A .m.,
26 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
27 effective upon his approval or upon his failure to either approve or disapprove it within 48
28 hours of submittal.

29 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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33 Timothy Joaquin, Legislative Chairman

34 APPROVED

35 on the 24 day of August, 2016

36 DISAPPROVED

37 at 2:01 o'clock, P. .m.

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51 EDWARD D. MANUEL, CHAIRMAN
52 TOHONO O'ODHAM NATION
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Returned to the Legislative Secretary on the 24 day of
August, 2016, at 4:22 o'clock, p.m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: EXTENDING TOHONO O'ODHAM FARMING AUTHORITY INTERIM MANAGEMENT BOARD APPOINTMENTS

MOVED: COUNCILMAN BILLMAN LOPEZ

SECOND: COUNCILMAN ANTHONY J. FRANCISCO JR.

DATE: AUGUST 22, 2016

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			
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 (Dallas Lewis)	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			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			
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 (John Fendenheim)	90.3	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 (Nicholas Jose)	115.80	X			
	2. MARY LOPEZ ()	115.80	X			
TOTAL		3,021.4	3,021.4	-0-	-0-	[02]

