

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving San Xavier Cooperative Association 2016/2017 Operational,
Capital/Project and OM&R Expenditures Budget and Expenditure of SAWRSA
Amendments 9B Farm Cashout Fund)

RESOLUTION NO. 16-526

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with**
2 **the authority to "consult, negotiate and conclude agreements and contracts . . .**
3 **with Federal, State and local governments . . ." to "consult with the Congress of the**
4 **United States and appropriate federal agencies regarding federal activities that**
5 **affect the Tohono O'odham Nation . . ." and to "enact laws, ordinances and**
6 **resolutions necessary or incidental to the exercise of its legislative powers";**
7 **(Constitution, Article VI, Section 1(f), 1(j), and 1(l)); and**

8 **WHEREAS, on December 10, 2004, the United States Congress enacted the Arizona Water**
9 **Settlements Act, P.L. 108-451, including Title III, the Southern Arizona Water**
10 **Rights Settlement Act Amendments ("SAWRSA Amendments"), which authorized**
11 **the San Xavier District to elect to receive \$18.3 million in lieu of the federal**
12 **government's obligation to construct the proposed "9B Farm" (SAWRSA**
13 **Amendments, Section 304(c)(3)(A)(ii)); and**

14 **WHEREAS, the San Xavier District Council elected to receive the in lieu payment plus interest**
15 **pursuant to SXDC Resolution #10-09-10 ("9B Farm Cashout Fund"); and**

16 **WHEREAS, expenditures from the San Xavier District 9B Farm Cashout Fund must be**
17 **authorized and approved in accordance with a budget authorized by the District**
18 **Council and approved by resolution of the Legislative Council (SAWRSA**
19 **Amendments, Section 304(f)(1)(B)(i) and (ii)); and**

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

29 **WHEREAS, the San Xavier District Council has approved the San Xavier Cooperative**
30 **Association's ("SXCA") 2016/2017 Operational, Capital/Project and OM&R**
31 **Expenditures budget, which is incorporated by this reference, in the amount of**
32 **\$1,620,567.71 from the 9B Farm Cashout Fund for the following purposes: Farm**
33 **operations, development of an efficient hay storage and distribution system, and**

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(Approving San Xavier Cooperative Association 2016/2017 Operational, Capital/Project and OM&R Expenditures Budget and Expenditure of SAWRSA Amendments 9B Farm Cashout Fund)

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1 improving market opportunities; exploring other economic ventures and
2 diversification of the Farm's revenue stream; and performing necessary
3 operation, maintenance and repair (OMR) of the irrigation system (SXDC
4 Resolution 10-16-08); and

5 **WHEREAS, SXCA's 2016/2017 Operational, Capital/Project and OM&R Expenditures budget**
6 **includes full repayment to the Nation of the outstanding \$180,100.00 loan**
7 **approved by Papago Tribal Council Resolution No. 17-86 from 2016/2017**
8 **projected revenues; and**

9 **WHEREAS, the Budget and Finance and Agricultural and Natural Resources Committees**
10 **have reviewed the San Xavier Cooperative Association's 2016/2017 Operational,**
11 **Capital/Project and OM&R Expenditures budget in the amount of \$1,620,567.71.**

12 **NOW, THEREFORE, BE IT RESOLVED that in accordance with the SAWRSA Amendments and the**
13 **Nation's Constitution, the Tohono O'odham Legislative Council approves the San**
14 **Xavier Cooperative Association 2016/2017 Operational, Capital/Project and**
15 **OM&R Expenditures budget in the amount of \$1,620,567.71 to be funded by the 9B**
16 **Farm Cashout Fund, provided however, that any amendments or modifications**
17 **shall be submitted for prior approval by the San Xavier District Council and the**
18 **Tohono O'odham Legislative Council.**

19 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that in accordance with**
20 **the San Xavier Cooperative Association's 2016/2017 budget, in fiscal year**
21 **2016/2017 SXCA shall fully repay the Nation's \$180,100.00 loan in equal quarterly**
22 **installment payments of \$45,025.00 beginning December 15, 2016, which the**
23 **Nation's treasurer shall deposit in the Nation's general fund.**

24 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 26TH**
25 **day of OCTOBER, 2016 at a meeting at which a quorum was present with a vote of 2,815.6 FOR;**
26 **-0- AGAINST; -0- NOT VOTING; and 205.8[05] ABSENT, pursuant to the powers vested in the**
27 **Council by Article VI, Section 1(d), 1(f), 1(j) and 1(l) and Article IX, Section 7 of the Constitution of**
28 **the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and**
29 **approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6,**
30 **1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).**

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33 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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37 **Timothy Joaquin, Legislative Chairman**

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39 28th day of October, 2016
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RESOLUTION NO. 16-526

(Approving San Xavier Cooperative Association 2016/2017 Operational, Capital/Project and OM&R Expenditures Budget and Expenditure of SAWRSA Amendments 9B Farm Cashout Fund)

Page 3 of 3

1 ATTEST:

2 Evonne Wilson
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4 Evonne Wilson, Legislative Secretary

5 28 day of October, 2016
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8 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
9 O'odham Nation on the 28 day of October, 2016 at 11:39 o'clock, A.m.,
10 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
11 effective upon his approval or upon his failure to either approve or disapprove it within 48
12 hours of submittal.
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14 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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17 Timothy Joaquin FOR
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20 Timothy Joaquin, Legislative Chairman
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25 APPROVED

on the 28 day of October, 2016

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27 DISAPPROVED

at 2:50 o'clock, P.m.

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30 Edward D. Manuel
31 EDWARD D. MANUEL, CHAIRMAN
32 TOHONO O'ODHAM NATION
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37 Returned to the Legislative Secretary on the 28 day of
38 October, 2016, at 3:06 o'clock, P.m.
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41 Evonne Wilson
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43 Evonne Wilson, Legislative Secretary
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ACTION: APPROVING SAN XAVIER COOPERATIVE ASSOCIATION 2016/2017 OPERATIONAL, CAPITAL/PROJECT AND OM&R EXPENDITURES BUDGET AND EXPENDITURE OF SAWRSA AMENDMENTS 9B FARM CASHOUT FUND

MOVED: COUNCILWOMAN RACHAEL VILSON-STONER

SECOND: COUNCILMAN BILLMAN LOPEZ

DATE: OCTOBER 26, 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			
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)	125.30	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			
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III (Felicia Nunez)	114.30	X			X
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.30	X			
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. (Mario J.B. Juan)	90.30	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	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 (Nicholas Jose)	115.80	X			
	2. MARY LOPEZ ()	115.80	X			X
TOTAL		3,021.4	2,815.6	-0-	-0-	205.8 [05]