

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Authorizing Submission of Application to the United States Department of Agriculture's**  
**Rainfall Index Pasture, Rangeland, Forage Pilot Insurance Program and Approving the**  
**FY 2018 Department of Natural Resources USDA PRF Insurance Program Budget)**

**RESOLUTION NO. 17-570**

1 **WHEREAS,** the Tohono O'odham Legislative Council is authorized to "consult, negotiate and  
2 **conclude agreements and contracts on behalf of the Tohono O'odham Nation..."**  
3 **and "to manage any funds within the exclusive control of the Tohono O'odham**  
4 **Nation...and to appropriate these funds for the benefit of the nation and its**  
5 **members" provided that "all expenditures of these funds shall be pursuant to**  
6 **appropriations or budgets" authorized by resolution or ordinance (Constitution**  
7 **of the Tohono O'odham Nation, Article VI, Section 1(f) and Section 1(d)(2) and (3));**  
8 **and**

9 **WHEREAS,** the United States Department of Agriculture ("USDA") Pasture, Rangeland,  
10 **Forage Pilot Insurance Program ("PRF Insurance Program") "is designed to**  
11 **provide insurance coverage on pasture, rangeland, or forage acres" using a**  
12 **rainfall index to determine precipitation for coverage purposes, instead of**  
13 **measuring production or loss of products themselves (USDA Pasture,**  
14 **Rangeland, Forage Pilot Insurance Program Fact Sheet, available at**  
15 **<https://www.rma.usda.gov/pubs/rme/prfinsprog.pdf>); and**

16 **WHEREAS,** coverage is "based on a producer's selection of coverage level, index intervals,  
17 **and productivity factor" and insurance payments are determined by using**  
18 **National Oceanic and Atmospheric Administration Climate Prediction Center**  
19 **("NOAA CPC") data, which uses a grid system to determine precipitation amounts**  
20 **within an area, for grids and index intervals that the producer chose to insure**  
21 **(USDA Pasture, Rangeland, Forage Pilot Insurance Program Fact Sheet); and**

22 **WHEREAS,** CKP Insurance, LLC., a crop insurance agent offering PRF policies, and Great  
23 **American Insurance Company presented an insurance plan proposal that**  
24 **includes coverage of 2,555,505.6 acres of Nation's lands starting at 90 percent of**  
25 **the average precipitation of the area under the interval insured and a "Multiple**  
26 **Peril Crop Insurance Pasture Rangeland Forage/Apiculture Rainfall**  
27 **Index/Vegetative Index Application/Transfer and Acreage Form" (hereafter,**  
28 **"PRF Insurance Policy Application"); and**

29 **WHEREAS,** the total premium required for participation in the PRF Insurance Policy is  
30 **\$14,320,559.00 but with a 51% subsidy from the USDA, the Nation's portion of the**  
31 **premium due October 1, 2018 is \$7,017,074.00; and**  
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1 **WHEREAS, the Department of Natural Resources has prepared and submitted for review**  
2 **and approval its FY 2018 Department of Natural Resources USDA PRF Insurance**  
3 **Program Budget, which is incorporated by this reference in the amount of**  
4 **\$7,017,074.00 to be funded by the indemnity revenue from the USDA PRF**  
5 **Insurance Program, provided that if sufficient indemnity revenue is not**  
6 **available, the Nation's general revenue shall be used to pay USDA PRF Insurance**  
7 **premiums; and**

8 **WHEREAS, the PRF Insurance Program benefits are paid in the form of an indemnity based**  
9 **solely on the basis of lack of precipitation and indemnity options can include**  
10 **payouts once precipitation levels are under 90% of the average precipitation in**  
11 **the area for the interval insured; and**

12 **WHEREAS, the Agriculture and Natural Resources and Budget Finance Committees have**  
13 **reviewed the FY 2018 Department of Natural Resources USDA PRF Insurance**  
14 **Program Budget and the PRF Insurance Policy proposal and application and**  
15 **recommend approval.**

16 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council:**

- 17 **1. authorizes submission of the PRF Insurance Policy Application for the**  
18 **Nation to participate in the USDA's Pasture, Rangeland, Forage Pilot**  
19 **Insurance Program for crop year 2018;**
- 20 **2. ratifies the signature of Chairman Edward D. Manuel on the PRF**  
21 **Insurance Policy Application, effective November 15, 2017;**
- 22 **3. approves the FY 2018 Department of Natural Resources USDA PRF**  
23 **Insurance Program Budget effective October 1, 2017 in the amount of**  
24 **\$7,017,074.00, which shall be funded by the indemnity revenue from the**  
25 **USDA PRF Insurance Program; provided that if sufficient indemnity**  
26 **revenue is not available, the Nation's general revenue shall be used to**  
27 **pay USDA PRF Insurance premiums;**
- 28 **4. grants permission for the United States Department of Agriculture, or its**  
29 **representative, to inspect the areas insured, provided they give the**  
30 **Nation's Department of Natural Resources executive director five**  
31 **business days advanced written notice and are accompanied by a**  
32 **designated Nation's employee or official;**
- 33 **5. directs the Department of Natural Resources, in consultation with the**  
34 **Agricultural and Natural Resources and Budget and Finance Committees,**

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1 to develop a plan for expenditure or investment of potential resources  
2 generated by the PRF Insurance Policy, if the application is approved by  
3 the USDA; provided that the Investment Committee shall also evaluate  
4 and make recommendations for the investment of such funds; and

5 6. directs the Nation's treasurer to establish a US Trust account for  
6 receiving deposits of all payments received from the USDA's Pasture,  
7 Rangeland, Forage Pilot Insurance Program; provided that no such funds  
8 shall be expended without approval by Legislative Council resolution.

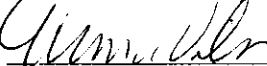
9 **BE IT FINALLY RESOLVED** that the Tohono O'odham Legislative Council authorizes the  
10 Chairman to execute, sign and deliver all related documents, agreements,  
11 contracts, for participation in the USDA Pasture, Rangeland, Forage Pilot  
12 Insurance Program.

13 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 27<sup>TH</sup>  
14 day of NOVEMBER, 2017 at a meeting at which a quorum was present with a vote of 1,747.05  
15 FOR; 1,337.55 AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the  
16 Council by Article VI, Section 1 (d)(2)and(3)and1(f) of the Constitution of the Tohono O'odham  
17 Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the  
18 Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to  
19 Section 16 of the Act of June 18, 1934 (48 Stat.984).

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22 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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26 Timothy Joaquin, Legislative Chairman  
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28 28 day of November, 2017  
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31 ATTEST:

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34 Evonne Wilson, Legislative Secretary  
35  
36 28 day of November, 2017  
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38 Said Resolution was submitted for approval to the office of the Chairman of the Tohono  
39 O'odham Nation on the 28 day of November, 2017 at 11:47 o'clock, a .m.,  
40 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become  
41 effective upon his approval or upon his failure to either approve or disapprove it within 48  
42 hours of submittal.  
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**RESOLUTION NO. 17-570**

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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

  
\_\_\_\_\_  
Timothy Joaquin, Legislative Chairman

**APPROVED**

on the 28 day of November, 2017

**DISAPPROVED**

at 6:40 o'clock, P.m.

  
\_\_\_\_\_  
EDWARD D. MANUEL, CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 29 day of

November, 2017, at 11:10 o'clock, a.m.

  
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Evonne Wilson, Legislative Secretary

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**ACTION: AUTHORIZING SUBMISSION OF APPLICATION TO THE UNITED STATES DEPARTMENT OF AGRICULTURE'S RAINFALL INDEX PASTURE, RANGELAND, FORAGE PILOT INSURANCE PROGRAM AND APPROVING THE FY 2018 DEPARTMENT OF NATURAL RESOURCES USDA PRF INSURANCE PROGRAM BUDGET**

**MOVED: COUNCILMAN BILLMAN LOPEZ**

**SECOND: COUNCILWOMAN MONICA K. MORGAN**

**DATE: NOVEMBER 27, 2017**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 235.8	1. MARY LOPEZ ( )	117.9	X			X
	2. LUCINDA ALLEN ( <i>Absent</i> ) (Yolonda Garcia) ( <i>Present</i> )	117.9	X			
SELLS 527.2	1. ARTHUR WILSON ( )	263.6		X		
	2. ADRIANNE TILLER (Idaleen Reyes)	263.6		X		
SCHUK TOAK 185.7	1. ANTHONY J. FRANCISCO JR. (Teresa F. Donahue)	92.85		X		
	2. QUINTIN C. LOPEZ (Agnes V. Joaquin)	92.85		X		
SAN XAVIER 232.3	1. DANIEL L.A. PRESTON III (Felicia Nunez)	116.15		X		
	2. JANICE FELIX ( )	116.15		X		
SAN LUCY 231.1	1. JANA MONTANA (Diana Manuel)	115.55	X			
	2. GLORIA RAMIREZ (Lorraine Eiler)	115.55	X			
PISINEMO 225.9	1. CHESTER ANTONE (Caroline D. Garcia)	112.95	X			
	2. MONICA K. MORGAN ( )	112.95	X			
HICKIWAN 209.0	1. LOUIS R. LOPEZ (Shirley Molina)	104.5	X			
	2. SANDRA D. ORTEGA ( )	104.5	X			X
GU VO 256.9	1. GRACE MANUEL ( )	128.45		X		
	2. DALLAS LEWIS (Nacho Flores)	128.45		X		
GU ACHI 270.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	135.45	X			
	2. LORETTA LEWIS (Victoria Hobbs)	135.45		X		
CHUKUT KUK 337.7	1. BILLMAN LOPEZ (Patricia Vicenti)	168.85	X			
	2. VIVIAN JUAN-SAUNDERS ( <i>Absent</i> ) (Juanita Homer) ( <i>Present</i> )	168.85	X			
BABOQUIVARI 372.1	1. FRANCES MIGUEL (Roberta E. Harvey)	186.05	X			
	2. LEANDER MASE ( )	186.05	X			
<b>TOTAL</b>		<b>3,084.6</b>	<b>1,747.05</b>	<b>1,337.55</b>	<b>-0-</b>	<b>[02]</b>