

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending Resolution Nos. 16-077 and 16-414 to Clarify Interim Appointments
To the TOFA Management Board)**

RESOLUTION NO. 19-234

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 extended the appointment by
28 Resolution No. 16-414; and

29 **WHEREAS,** both Resolution No. 16-077 and Resolution No. 16-414 appointed members of the
30 Agricultural and Natural Resources Committee by name, with terms immediately
31 expiring if a Council representative no longer served on the Agricultural and
32 Natural Resources Committee; and

33

RESOLUTION NO. 19-234

(Amending Resolution Nos. 16-077 and 16-414 to Clarify Interim Appointments to the TOFA Management Board)


Page 2 of 3

1 **WHEREAS, it is in the Nation's best interest to amend Resolution No. 16-077 and Resolution**
2 **No. 16-414 to clarify that members of the Agricultural and Natural Resources**
3 **Committee, not individual Council representatives, are appointed interim TOFA**
4 **Board Directors.**

5 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council amends**
6 **Resolution No. 16-077 and Resolution No. 16-414 to clarify that members of the**
7 **Agricultural and Natural Resources Committee, not individual Council**
8 **representatives, are appointed interim TOFA Board Directors, provided that**
9 **nothing in this resolution changes the duties and authorities, restrictions, and**
10 **conditions of the appointments in Resolution No. 16-077 and Resolution No. 16-**
11 **414 and further provided that nothing in this resolution precludes the Legislative**
12 **Council from appointing TOFA Board Directors to replace interim TOFA Board**
13 **Directors.**

14 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH**
15 **day of JULY, 2019 at a meeting at which a quorum was present with a vote of 3,175.7 FOR; -0-**
16 **AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
17 **Article VI, Section 1(b), 1(d) and 1(c)(2) of the Constitution of the Tohono O'odham Nation,**
18 **adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy**
19 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the**
20 **Act of June 18, 1934 (48 Stat.984).**

21
22 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

23
24 
25 _____
26 **Timothy Joaquin, Legislative Chairman**
27
28 9 day of July, 2019
29
30
31

32 **ATTEST:**

33 
34 _____
35 **Evonne Wilson, Legislative Secretary**

36 9 day of July, 2019
37
38


39 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
40 **O'odham Nation on the 9 day of July, 2019 at 3:30 o'clock, P .m.,**
41 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
42 **effective upon his approval or upon his failure to either approve or disapprove it within 48**
43 **hours of submittal.**
44
45
46
47

RESOLUTION NO. 19-234

(Amending Resolution Nos. 16-077 and 16-414 to Clarify Interim Appointments to the TOFA Management Board)

Page 3 of 3

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

APPROVED

on the 11 day of July, 2019

DISAPPROVED

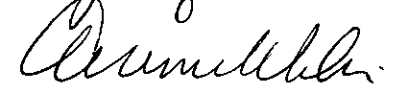
at 8:16 o'clock, a.m.



NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 11 day of

July, 2019, at 8:23 o'clock, a.m.



Evonne Wilson, Legislative Secretary

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52