

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Tohono O'odham Nation Long-Term Storage Credit Marketing Plan)**

RESOLUTION NO. 19-372

1 **WHEREAS,** **"All waters which originate in or flow in, into or through the Tohono O'odham**
2 **Nation, or which are stored in the Tohono O'odham Nation, whether found on the**
3 **surface or underground, are a valuable public resource of the Tohono O'odham**
4 **Nation to be protected for the present and future use of the Tohono O'odham**
5 **Nation as a whole." (Constitution, Article XVII, Section 1); and**

6 **WHEREAS,** **the Constitution of the Tohono O'odham Nation vests the Tohono O'odham**
7 **Legislative Council with "the control and management of these waters" and the**
8 **power to "[d]etermine how these waters shall be developed, used and conserved**
9 **for the greatest public benefit[.]" to "[e]nter into agreements, compacts or other**
10 **contracts for the beneficial use, sale, or lease or distribution of these waters[.]"**
11 **and "[t]o administer land and other public property, and by law, ordinance or**
12 **resolution . . . to manage, protect, preserve and regulate the use of the property,**
13 **wildlife, land, air and natural resources (including surface and ground waters) of**
14 **the Tohono O'odham Nation." (Constitution of the Tohono O'odham Nation,**
15 **Article XVII, Section 2(a) and (b) and Article VI, Section 1(i)(2)); and**

16 **WHEREAS,** **the Tohono O'odham Legislative Council is further vested with the power "[t]o**
17 **consult, negotiate and conclude agreements and contracts on behalf of the**
18 **Tohono O'odham Nation with Federal, State and local governments and other**
19 **Indian tribes or their departments, agencies or political subdivisions, or with**
20 **private persons or organizations on all matters within the authority of the**
21 **Tohono O'odham Council." (Constitution of the Tohono O'odham Nation, Article**
22 **VI, Section 1(f)); and**

23 **WHEREAS,** **Tom Harbour of Headwaters Consulting, LLC has prepared a Long-Term Storage**
24 **Credit Marketing Plan for the Nation; and**

25 **WHEREAS,** **the Water Resources Committee has reviewed the Tohono O'odham Nation Long-**
26 **Term Storage Credit Marketing Plan and recommends its approval.**

27 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
28 **Tohono O'odham Nation Long-Term Storage Credit Marketing Plan in**
29 **substantially the form presented to the Tohono O'odham Legislative Council in a**
30 **closed session held prior to adoption of this resolution, which shall be**
31 **maintained as a confidential document and not publicly disclosed.**

32 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council authorizes Tom**
33 **Harbour of Headwaters Consulting, LLC to market Long-Term Storage Credits on**
34 **behalf of the Nation, provided that any sales contract shall be submitted for**
35 **approval to the Tohono O'odham Legislative Council.**

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11th day of SEPTEMBER, 2019 at a meeting at which a quorum was present with a vote of 2,197.3 FOR; 978.4 AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(f) and 1(i)(2) and Article XVII, Section 1 and Section 2(a) and (b) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy C. Lopez for
Timothy Joaquin, Legislative Chairman
12 day of September, 2019

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary
12 day of September, 2019

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 13 day of September, 2019 at 11:35 o'clock, A.m., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy C. Lopez for
Timothy Joaquin, Legislative Chairman

APPROVED

on the 13 day of September, 2019

DISAPPROVED

at 3:55 o'clock, p.m.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

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

RESOLUTION NO. 19-372
(Approving Tohono O'odham Nation Long-Term Storage Credit Marketing Plan)
Page 3 of 3

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

Returned to the Legislative Secretary on the 13 day of
September, 2019, at 4:20 o'clock, p.m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: APPROVING TOHONO O'ODHAM NATION LONG-TERM STORAGE CREDIT MARKETING PLAN

MOVED: COUNCILWOMAN LUCINDA ALLEN

SECOND: COUNCILWOMAN ALBERTA J. RAY

DATE: SEPTEMBER 11, 2019

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 384.8	1. LEANDER MASE (Francine Schooling)	192.40		X		
	2. ALBERTA J. RAY (Frances G. Antone)	192.40	X			
CHUKUT KUK 347.5	1. VIVIAN JUAN-SAUNDERS (<i>Absent</i>) (Juanita Homer) (<i>Present</i>)	173.75	X			
	2. MARLAKAY HENRY (Billman Lopez)	173.75	X			
GUACHI 279.3	1. VICTORIA HOBBS ()	139.65	X			
	2. TIMOTHY L. JOAQUIN (<i>Absent</i>) (Louis L. Johnson) (<i>Present</i>)	139.65	X			X
GU VO 264.5	1. DALLAS LEWIS (Nacho Flores)	132.25	X			
	2. GRACE MANUEL ()	132.25	X			X
HICKIWAN 213.8	1. SANDRA D. ORTEGA ()	106.90	X			X
	2. LOUIS R. LOPEZ (<i>Absent</i>) (Delma M. Garcia) (<i>Present</i>)	106.90	X			
PISINEMO 230.7	1. MONICA K. MORGAN ()	115.35	X			
	2. MARIETTA MARTIN ()	115.35	X			
SAN LUCY 235.6	1. GLORIA RAMIREZ ()	117.80	X			
	2. JANA MONTANA (<i>Absent</i>) (Lorraine M. Eiler) (<i>Present</i>)	117.80	X			X
SAN XAVIER 238.9	1. JANICE FELIX (<i>Absent</i>) (Adam Andrews) (<i>Present</i>)	119.45		X		
	2. DANIEL L.A. PRESTON III ()	119.45		X		
SCHUK TOAK 189.0	1. QUINTIN C. LOPEZ (Agnes V. Joaquin)	94.50	X			
	2. TERESA F. DONAHUE (Alberta Espinoza)	94.50	X			
SELLS 547.1	1. EVELYN JUAN MANUEL ()	273.55		X		
	2. ARTHUR WILSON ()	273.55		X		
SIF OIDAK 244.5	1. LUCINDA ALLEN (Yolonda Garcia)	122.25	X			
	2. MARY LOPEZ (<i>Absent</i>) (Ann M. Garcia) (<i>Present</i>)	122.25	X			X
TOTAL		3,175.7	2,197.3	978.4	-0-	[05]