

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving FY 2021 San Xavier Allottees Association, Inc. Budget and Expenditure
of SAWRSA Amendments 9B Farm Cashout Fund)

RESOLUTION NO. 20-293

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 on
3 behalf of the Tohono O'odham Nation with Federal, State and local governments
4 . . . " and to "consult with the Congress of the United States and appropriate
5 federal agencies regarding federal activities that affect the Tohono O'odham
6 Nation . . . " and to "enact laws, ordinances and resolutions necessary or
7 incidental to the exercise of its legislative powers." (Constitution, Article VI,
8 Section 1(f), 1(j), and 1(l)); and

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

15 **WHEREAS,** the San Xavier District Council ("SXDC") elected to receive the in lieu payment
16 plus interest pursuant to SXDC Resolution No. 10-09-10 ("9B Farm Cashout
17 Fund"); and

18 **WHEREAS,** expenditures from the 9B Farm Cashout Fund must be authorized and approved
19 in accordance with a budget authorized by the San Xavier District Council and
20 approved by resolution of the Legislative Council (SAWRSA Amendments, Section
21 304 (f)(1)(B)(i) and (ii)); and

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

31 **WHEREAS,** the San Xavier District Council has authorized the FY 2021 San Xavier Allottees
32 Association, Inc. Budget, which is incorporated by this reference, in the amount
33 of \$680,192.88 that shall be funded by the 9B Farm Cashout Fund (Resolution No.
34 SXDC 07-20-06); and

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1 **WHEREAS, the Budget and Finance Committee has reviewed the FY 2021 San Xavier Allottees**
2 **Association, Inc. Budget in the amount of \$680,192.88 and recommends its**
3 **approval.**

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

- 5 **(1) Approves the FY 2021 San Xavier Allottees Association, Inc. Budget**
6 **effective October 1, 2020 in the amount of \$680,192.88 to be funded by the**
7 **9B Farm Cashout Fund, provided that any amendments or modifications**
8 **shall be submitted for prior approval by the San Xavier District Council**
9 **and the Tohono O'odham Legislative Council; and**
10 **(2) Approves the expenditure of SAWRSA Amendments 9B Farm Cashout Fund**
11 **in accordance with the FY 2021 San Xavier Allottees Association, Inc.**
12 **Budget.**

13 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 14th**
14 **day of SEPTEMBER, 2020 at a meeting at which a quorum was present with a vote of 3,175.7 FOR;**
15 **-0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by**
16 **Article VI, Section 1(f) 1(j) and 1(l) of the Constitution of the Tohono O'odham Nation, adopted by**
17 **the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
18 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
19 **18, 1934 (48 Stat.984).**

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21 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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25 **Timothy Joaquin, Legislative Chairman**

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27 18 day of September, 2020

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31 **ATTEST:**

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34 **Evonne Wilson, Legislative Secretary**

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36 17 day of September, 2020

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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 18 day of September, 2020 at 2:07 o'clock, p.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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TOHONO O'ODHAM LEGISLATIVE COUNCIL


Timothy Joannin, Legislative Chairman

APPROVED

on the 21 day of September, 2020

DISAPPROVED

at 2:45 o'clock, P.m.


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

Returned to the Legislative Secretary on the 21 day of

September, 2020, at 4:20 o'clock, P.m.


Evonne Wilson, Legislative Secretary

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ACTION: APPROVING FY 2021 SAN XAVIER ALLOTTEES ASSOCIATION, INC. BUDGET AND EXPENDITURE OF SAWRSA AMENDMENTS 9B FARM CASHOUT FUND

MOVED: COUNCILWOMAN JANICE FELIX

SECOND: COUNCILWOMAN MARLAKAY HENRY

DATE: SEPTEMBER 14, 2020

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 (Juanita Homer)	173.75	X			
	2. MARLAKAY HENRY (Billman Lopez)	173.75	X			
GUACHI 279.3	1. VICTORIA HOBBS ()	139.65	X			
	2. TIMOTHY L. JOAQUIN (Louis L. Johnson)	139.65	X			
GU VO 264.5	1. DALLAS LEWIS (Nacho Flores)	132.25	X			
	2. GRACE MANUEL ()	132.25	X			
HICKIWAN 213.8	1. SANDRA D. ORTEGA ()	106.90	X			X
	2. LOUIS R. LOPEZ (Delma M. Garcia)	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 (Lorraine M. Eiler)	117.80	X			
SAN XAVIER 238.9	1. JANICE FELIX (Adam Andrews)	119.45	X			
	2. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	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 (Ann M. Garcia)	122.25	X			
TOTAL		3,175.7	3,175.7	-0-	-0-	[01]