

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Purchase and Sale Agreement for Long Term Storage Credits
Between the Tohono O'odham Nation and Vihrea Development LLC)

RESOLUTION NO. 20-393

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with**
2 **the power "[t]o consult, negotiate and conclude agreements and contracts on**
3 **behalf of the Tohono O'odham Nation with Federal, State and local governments**
4 **and other Indian tribes or their departments, agencies or political subdivisions,**
5 **or with private persons or organizations on all matters within the authority of the**
6 **Tohono O'odham Council." (Constitution of the Tohono O'odham Nation, Article**
7 **VI, Section 1(f)); and**

8 **WHEREAS, the Constitution of the Tohono O'odham Nation further vests the Legislative**
9 **Council with the power to "[e]nter into agreements, compacts or other contracts**
10 **for the beneficial use, sale, or lease or distribution" of "[a]ll waters which**
11 **originate in or flow in, into or through the Tohono O'odham Nation" (Constitution**
12 **of the Tohono O'odham Nation, Article XVII, Section 1 and Section 2(b)); and**

13 **WHEREAS, by Resolution No. 19-372, the Legislative Council approved the Tohono O'odham**
14 **Nation Long-Term Storage Credit Marketing Plan authorizing Headwaters**
15 **Consulting, LLC to market long-term storage credits held by the Nation; and**

16 **WHEREAS, Headwaters Consulting, LLC has negotiated a Purchase and Sale Agreement for**
17 **Long Term Storage Credits between the Tohono O'odham Nation and Vihrea**
18 **Development LLC; and**

19 **WHEREAS, the Professional Service Agreement with Headwaters Consulting, LLC provides**
20 **that a Transaction Success Fee be paid out of the gross proceeds of the sales**
21 **transaction; and**

22 **WHEREAS, the Water Resources Committee has reviewed the Purchase and Sale Agreement**
23 **for Long Term Storage Credits between the Tohono O'odham Nation and Vihrea**
24 **Development LLC and recommend its approval.**

25 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
26 **Purchase and Sale Agreement for Long Term Storage Credits between the Tohono**
27 **O'odham Nation and Vihrea Development LLC in substantially the form attached**
28 **and authorizes the Nation's chairperson to execute the Agreement.**

29 **BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that funds generated by**
30 **this sale will be deposited into the Water Revenue Account established by**
31 **Resolution No. 14-525.**
32

RESOLUTION NO. 20-393

(Approving a Purchase and Sale Agreement for Long Term Storage Credits Between the Tohono O'odham Nation and Vihrea Development LLC)

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BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that funds for payment of the Headwaters Consulting, LLC Transaction Success Fee shall be appropriated from the Water Revenue Account established by Resolution No. 14-525.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 19th day of NOVEMBER, 2020 at a meeting at which a quorum was present with a vote of 2,628.6 FOR; 547.1 AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(f) and Article XVII, Section 1 and 2(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

[Handwritten signature of Timothy Joaquin]

Timothy Joaquin, Legislative Chairman

23 day of November, 2020

ATTEST:

[Handwritten signature of Evonne Wilson]

Evonne Wilson, Legislative Secretary

23 day of November, 2020

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 23 day of November, 2020 at 3:40 o'clock, p.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

[Handwritten signature of Timothy Joaquin]

Timothy Joaquin, Legislative Chairman

[X] APPROVED

on the 24 day of March, 2020

[] DISAPPROVED

at 12:04 o'clock, p.m.

[Handwritten signature of Ned Norris, Jr.]

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


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(Approving a Purchase and Sale Agreement for Long Term Storage Credits Between the Tohono O'odham Nation and Vihrea Development LLC)

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1 Returned to the Legislative Secretary on the 24 day of

2 November, 2020, at 1:14 o'clock, P.m.

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7 **Evonne Wilson, Legislative Secretary**

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ACTION: APPROVING A PURCHASE AND SALE AGREEMENT FOR LONG TERM STORAGE CREDITS BETWEEN THE TOHONO O'ODHAM NATION AND VIHREA DEVELOPMENT LLC

Moved: COUNCILWOMAN LUCINDA ALLEN

SECOND: COUNCILWOMAN ALBERTA J. RAY

DATE: NOVEMBER 19, 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			
	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 (<i>Absent</i>) (Lorraine M. Eiler) (<i>Present</i>)	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			X
TOTAL		3,175.7	2,628.6	547.1	-0-	[01]