

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the FY 2022 San Xavier Cooperative Association 9B Farm Cash Out
Budget and Expenditure of SAWRSA Amendments 9B Farm Cashout Fund)

RESOLUTION NO. 22-204

- 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. . .
3 with Federal, State, and local governments. . ." and to "consult with the Congress
4 of the United States and appropriate federal agencies regarding federal activities
5 that affect the Tohono O'odham Nation. . ." and to "enact laws, ordinances and
6 resolutions necessary or incidental to the exercise of its legislative
7 powers."(Constitution, Article VI, Section 1(f), 1(j), and 1(1)); and
8 **WHEREAS,** on December 10, 2004, the United States Congress enacted the Arizona Water
9 Settlement Act, P.L. 108-451, including Title III, the Southern Arizona Water
10 Rights Settlement Act Amendment ("SAWRSA Amendments"), which authorized
11 the San Xavier District to elect to receive \$18.3 million in lieu of the federal
12 government's obligation to construct the proposed "9B Farm" (SAWRSA
13 Amendments, Section 304 (c)(3)(A)(ii)); and
14 **WHEREAS,** the San Xavier District Council elected to receive the in lieu payment plus interest
15 pursuant to SXDC Resolution No. 10-09-10 ("9B Farm Cashout Fund"); and
16 **WHEREAS,** expenditures from the 9B Cashout Fund must be authorized and approved in
17 accordance with a budget authorized by the San Xavier District Council and
18 approved by resolution of the Legislative Council (SAWRSA Amendments, Section
19 304(f)(1)(B)); and
20 **WHEREAS,** the SAWRSA Amendments provide that the 9B Farm Cashout Fund may be
21 expended for various designated purposes, including; subjugation of land,
22 development of water resources, or construction, operation, maintenance or
23 replacement of facilities within the San Xavier Reservation not required to be
24 carried out by the United States under the SAWRSA A amendments; economic
25 development loans and assistance; to provide benefits to allottees; and to pay any
26 administrative costs incurred by the Nation or the San Xavier District in
27 conjunction with any of these uses (SAWRSA Amendments, Section 304(f)(1)(C));
28 and
29 **WHEREAS,** the San Xavier District Council has authorized the FY 2022 San Xavier Cooperative
30 Association 9B Farm Cashout Fund Budget, which is incorporated by this
31 reference, in the amount of \$991,829.09 to be funded from the San Xavier District

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1 **9B Farm Cashout Fund for farm operations and capital costs (Resolution No.**
2 **SXDC 05-22-10); and**

3 **WHEREAS, the Budget and Finance and Agricultural and Natural Resources Committees**
4 **have reviewed the FY 2022 San Xavier Cooperative Association 9B Farm Cashout**
5 **Fund Budget and recommend approval.**

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

- 7 **(1) approves the FY 2022 San Xavier Cooperative Association 9B Farm Cashout**
8 **Fund Budget in the amount of \$991,829.09, effective April 1, 2022 through**
9 **September 30, 2022, which shall be funded by the San Xavier District 9B**
10 **Farm Cashout Fund, provided that any amendments or modifications**
11 **shall be submitted for prior approval by the San Xavier District Council**
12 **and the Tohono O'odham Legislative Council; and**
- 13 **(2) approves the expenditure of the SAWRSA Amendments 9B Farm Cashout**
14 **Funds in accordance with the FY 2022 San Xavier Cooperative Association**
15 **9B Farm Cashout Budget.**

16 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH**
17 **day of JUNE, 2022 at a meeting at which a quorum was present with a vote of 3,218.0 FOR; -0-**
18 **AGAINST; [01] NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by,**
19 **Article VI, Section 1(f), 1(j), and 1(1) the Constitution of the Tohono O'odham Nation, adopted by**
20 **the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
21 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
22 **18, 1934 (48 Stat.984).**

23
24 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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26 _____
27 **Timothy Joaquin, Legislative Chairman**

28 9 day of June, 2022

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33 **ATTEST:**

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35 _____
36 **Evonne Wilson, Legislative Secretary**

37 9 day of June, 2022
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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 9 day of June, 2022 at 2:46 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


Timothy Joaquin, Legislative Chairman

APPROVED

on the 10 day of June, 2022

DISAPPROVED

at 10:40 o'clock, A.m.


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

Returned to the Legislative Secretary on the 10 day of

June, 2022, at 2:31 o'clock, P.m.


Evonne Wilson, Legislative Secretary

ACTION: APPROVING THE FY 2022 SAN XAVIER COOPERATIVE ASSOCIATION 9B FARM CASH OUT BUDGET AND EXPENDITURE OF SAWRSA AMENDMENTS 9B FARM CASHOUT FUND

Moved: COUNCILWOMAN JANICE FELIX

SECOND: COUNCILMAN LEANDER MASE

DATE: JUNE 08, 2022

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 245.6	1. MARY LOPEZ (Ann M. Garcia)	122.8	X			
	2. LUCINDA ALLEN (Francis Homewytewa)	122.8	X		X	
SELLS 556.5	1. ARTHUR WILSON ()	278.25	X			X
	2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25	X			
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza)	95.25	X			
	2. DELISA M. RAMON (Sharon A. Francisco)	95.25	X			
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III <i>(Absent)</i> (Racheal Wilson-Stoner) <i>(Present)</i>	121.3	X			X
	2. JANICE FELIX (Adam P. Andrews)	121.3	X			
SAN LUCY 243.8	1. JANA MONTANA <i>(Absent)</i> (Lorraine M. Eiler) <i>(Present)</i>	121.9	X			
	2. ROGER MANUEL (Christina Andrews)	121.9	X			
PISINEMO 232.7	1. MARIETTA MARTIN ()	116.35	X			
	2. EDWARD D. MANUEL (Monica Morgan)	116.35	X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ ()	108.3	X			
	2. DELMA M. GARCIA ()	108.3	X			
GU VO 270.7	1. GRACE MANUEL ()	135.35	X			
	2. CYNTHIA SAAVEDRA (Dallas Lewis)	135.35	X			
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN ()	139.25	X			X
	2. VICTORIA HOBBS <i>(Absent)</i> (Tonya L. Joaquin) <i>(Present)</i>	139.25	X			
CHUKUT KUK 351.6	1. MARLAKAY HENRY <i>(Absent)</i> (Billman Lopez) <i>(Present)</i>	175.8	X			X
	2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8	X			
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone)	194.45	X			
	2. LEANDER MASE (Francine Schooling)	194.45	X			
TOTAL		3,218.0	3,218.0	-0-	[01]	[04]