

**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 the City of Marana)**

RESOLUTION NO. 24-013

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 the City of
18 Marana, which is incorporated herein by this reference; 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 the City
24 of Marana and recommends 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 the City of Marana and authorizes the Nation's chairperson
28 to execute a formal legal agreement memorializing these terms.

29 **BE IT FURTHER RESOLVED** that the Legislative Council authorizes the limited waiver of
30 sovereign immunity included in the Purchase and Sale Agreement;

31
32

RESOLUTION NO. 24-013

(Approving a Purchase and Sale Agreement for Long Term Storage Credits Between the Tohono O'odham Nation and the City of Marana)

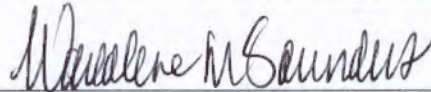
Page 2 of 3

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

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

7 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 16TH
8 day of JANUARY 2024 at a meeting at which a quorum was present with a vote of 2,705.3 FOR;
9 558.0 AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council
10 by Article VI, Section 1(d)(2) and (3) of the Constitution of the Tohono O'odham Nation, adopted
11 by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy
12 Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the
13 Act of June 18, 1934 (48 Stat.984).

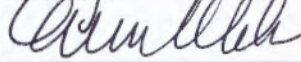
14
15
16 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

17 

18
19
20 **Wavalene M. Saunders, Legislative Chairwoman**

21
22 88 day of January, 2024

23
24
25 **ATTEST:**

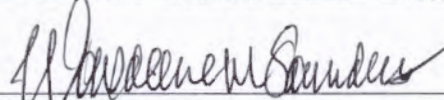
26 

27
28 **Evonne Wilson, Legislative Secretary**

29
30 19 day of January, 2024

31
32 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
33 O'odham Nation on the 88 day of January, 2024 at 12:58 o'clock, 8 .m.,
34 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
35 effective upon his approval or upon his failure to either approve or disapprove it within 48
36 hours of submittal.

37
38 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

39
40 

41
42 **Wavalene M. Saunders, Legislative Chairwoman**

43
44
45
46
47

RESOLUTION NO. 24-013

(Approving a Purchase and Sale Agreement for Long Term Storage Credits Between the Tohono O'odham Nation and the City of Marana)

Page 3 of 3

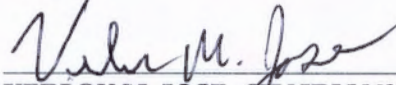
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

APPROVED

on the 22 day of January, 2024

DISAPPROVED

at 9:08 o'clock, P.m.



VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 23 day of

January, 2024, at 3:21 o'clock, P.m.


Evonne Wilson, Legislative Secretary

ACTION: APPROVING A PURCHASE AND SALE AGREEMENT FOR LONG TERM STORAGE CREDITS BETWEEN THE TOHONO O'ODHAM NATION AND THE CITY OF MARANA

Moved: COUNCILWOMAN LUCINDA ALLEN

SECOND: COUNCILWOMAN DELISA M. RAMON

DATE: JANUARY 16, 2024

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 394.2	1. LEANDER MASE (Francine Schooling) 2. JESSE NAVARRO (Alberta J. Ray)	197.1 197.1	X X			
CHUKUT KUK 354.7	1. VIVIAN JUAN-SAUNDERS (Cornelius Antone) 2. MARLAKAY HENRY ()	177.35 177.35	X X			X
GUACHI 282.7	1. VICTORIA HOBBS (Tonya L. Joaquin) 2. TIMOTHY L. JOAQUIN (Jerome L. Joaquin)	141.35 141.35	X X			
GU VO 276.0	1. DALLAS LEWIS () 2. LESLIE LUNA (Grace Manuel)	138.0 138.0	X X			X
HICKIWAN 220.5	1. DELMA M. GARCIA () 2. LOUIS R. LOPEZ (<i>Absent</i>) (Loretta A. Ortega) (<i>Present</i>)	110.25 110.25	X X			
PISINEMO 236.2	1. EDWARD D. MANUEL (Monica Morgan) 2. PAMELA J. BENAVIDEZ (Nora J. Ruelas)	118.1 118.1	X X			
SAN LUCY 257.6	1. ROGER MANUEL (<i>Absent</i>) (Christina Andrews) (<i>Present</i>) 2. GLORIA M. RAMIREZ (<i>Absent</i>) (Lorraine M. Eiler) (<i>Present</i>)	128.8 128.8	X X			X
SAN XAVIER 244.5	1. JANICE FELIX () 2. DANIEL L.A. PRESTON III ()	122.25 122.25	X X			X
SCHUK TOAK 191.8	1. DELISA M. RAMON (Sharon A. Francisco) 2. THEORIA CAMPILLO (Rebecca Ann Valentine)	95.9 95.9	X X			
SELLS 558.0	1. EVELYN JUAN-MANUEL (Arvada Liston) 2. JANET B. ELEANDO ()	279.0 279.0		X X		
SIF ODAK 247.1	1. LUCINDA ALLEN (Francis Homewytewa) 2. WAVALENE M. SAUNDERS (Mary Lopez)	123.55 123.55	X X			
	TOTAL	3,263.30	2,705.3	558.0	-0-	[04]