

**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 Peoria)**

**RESOLUTION NO. 24-014**

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 Peoria, 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 Peoria 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 Peoria 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;

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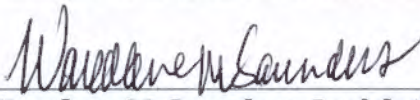
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1 **BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that funds generated by  
2 **this sale will be deposited into the Water Revenue Account established by**  
3 **Resolution No. 14-525;**

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 16<sup>TH</sup>**  
8 **day of JANUARY 2024 at a meeting at which a quorum was present with a vote of 2,460.8 FOR;**  
9 **802.5 AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council**  
10 **by Article VI, Section 1(D) and Article XVII, Section 1 and 2(b) of the Constitution of the Tohono**  
11 **O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by**  
12 **the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant**  
13 **to Section 16 of the Act of June 18, 1934 (48 Stat.984).**  
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16 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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

20 28 day of January, 2024  
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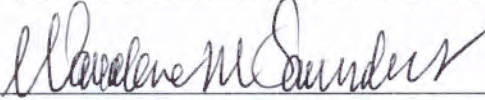
25 **ATTEST:**

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28 **Evonne Wilson, Legislative Secretary**

29 19 day of January, 2024  
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32 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**  
33 **O'odham Nation on the 28 day of January, 2024 at 12:58 o'clock, P .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.**

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38 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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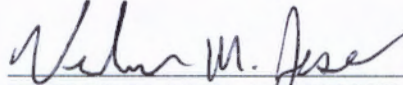
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APPROVED

on the 22 day of January, 2024

DISAPPROVED

at 9:09 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 3:24 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 PEORIA****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. Eller) ( <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
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 OIDAK 247.1	1. LUCINDA ALLEN (Francis Homewytewa) 2. WAVALENE M. SAUNDERS (Mary Lopez)	123.55 123.55	X X			
	<b>TOTAL</b>	<b>3,263.30</b>	<b>2,460.8</b>	<b>802.5</b>	<b>-0-</b>	<b>[04]</b>