

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Two Purchase and Sale Agreements for Long Term Storage Credits
Between the Tohono O'odham Nation and the Arizona Water Banking Authority)**

RESOLUTION NO. 24-251

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"**
12 **(Constitution of the Tohono O'odham Nation, Article XVII, Section 1 and Section**
13 **2(b)); and**

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

17 **WHEREAS, Headwaters Consulting, LLC has negotiated two Purchase and Sale Agreements**
18 **for Long Term Storage Credits between the Tohono O'odham Nation and the**
19 **Arizona Water Banking Authority ("AWBA"), which are incorporated herein by**
20 **this reference; and**

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

24 **WHEREAS, the Water Resources Committee has reviewed the Purchase and Sale Agreements**
25 **for Long Term Storage Credits between the Tohono O'odham Nation and the**
26 **AWBA and recommends their approval.**

27 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
28 **Purchase and Sale Agreements for Long Term Storage Credits between the**
29 **Tohono O'odham Nation and the AWBA and authorizes the Nation's chairperson**
30 **to execute a formal legal agreement memorializing these terms.**

31

RESOLUTION NO. 24-251

(Approving Two Purchase and Sale Agreements for Long Term Storage Credits Between the Tohono O'odham Nation and the Arizona Water Banking Authority)

Page 2 of 3

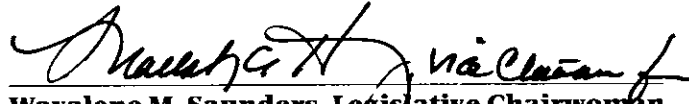
1 **BE IT FURTHER RESOLVED** that the Legislative Council authorizes the limited waiver of
2 **sovereign immunity included in the Purchase and Sale Agreements.**

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

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

9 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH**
10 **day of AUGUST 2024 at a meeting at which a quorum was present with a vote of 2,422.6 FOR; 282.7**
11 **AGAINST; 558.0 [02] NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council**
12 **by Article VI, Section 1(f) and Article XVII, Section 1 and 2(b) of the Constitution of the Tohono**
13 **O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by**
14 **the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant**
15 **to Section 16 of the Act of June 18, 1934 (48 Stat.984).**

16
17
18 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

19
20 
21 Wavalene M. Saunders, Legislative Chairwoman
22
23 12th day of August, 2024

24
25
26
27 **ATTEST:**

28 
29
30 Evonne Wilson, Legislative Secretary

31 12 day of August, 2024

32
33
34 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
35 **O'odham Nation on the 12TH day of August, 2024 at 11:57 o'clock, a .m.,**
36 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
37 **effective upon his approval or upon his failure to either approve or disapprove it within 48**
38 **hours of submittal.**

39
40 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

41
42 
43 Wavalene M. Saunders, Legislative Chairwoman
44
45
46

RESOLUTION NO. 24-251

(Approving Two Purchase and Sale Agreements for Long Term Storage Credits Between the Tohono O'odham Nation and the Arizona Water Banking Authority)

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 14 day of August, 2024

DISAPPROVED

at 11:02 o'clock a.m.


VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 14 day of

August, 2024, at 11:35 o'clock, A.m.


Evonne Wilson, Legislative Secretary

ACTION: APPROVING TWO PURCHASE AND SALE AGREEMENTS FOR LONG TERM STORAGE CREDITS BETWEEN THE TOHONO O'ODHAM NATION AND THE ARIZONA WATER BANKING AUTHORITY**Moved: COUNCILMAN DANIEL L.A. PRESTON III****SECOND: COUNCILWOMAN LUCINDA ALLEN****DATE: AUGUST 08, 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			X
CHUKUT KUK 354.7	1. VIVIAN JUAN-SAUNDERS (Cornelius Antone) 2. MARLAKAY HENRY ()	177.35 177.35	X X			
GUACHI 282.7	1. VICTORIA HOBBS (Tonya L. Joaquin) 2. JEROME F. JOAQUIN ()	141.35 141.35		X X		
GU VO 276.0	1. DALLAS LEWIS () 2. LESLIE LUNA ()	138.0 138.0	X X			X
HICKIWAN 220.5	1. DELMAM M. GARCIA () 2. LOUIS R. LOPEZ (Loretta A. Ortega)	110.25 110.25	X X			X
PISINEMO 236.2	1. EDWARD D. MANUEL (Monica Morgan) 2. PAMELA J. BENAVIDEZ (Nora J. Ruelas)	118.1 118.1	X X			X
SAN LUCY 257.6	1. ROGER MANUEL (Christina Andrews) 2. GLORIA M. RAMIREZ (Absent) (Lorraine M. Eiler) (Present)	128.8 128.8	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			
	TOTAL	3,263.30	2,422.6	282.7	558.0 [02]	[04]