

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Repealing Resolution 96-210)**

**DEFEATED
RESOLUTION NO. 96-449**

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5 **WHEREAS, by Resolution 95-141 the Tohono O'odham Legislative Council**
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7 **approved a Grant Agreement governing the construction of delivery**
8 **and distribution systems for the Schuk Toak Farm Project (the**
9 **"Project"), as authorized and directed by the Southern Arizona**
10 **Water Rights Settlement Act of 1982; and**

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13 **WHEREAS, by Resolution 96-210 the Legislative Council (1) enacted certain**
14 **clarifications, modifications and amendments to Resolution 95-141 and**
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16 **(2) authorized and directed the Water Projects Office and the**
17 **Chairman of the nation to negotiate a contract with the Tohono**
18 **O'odham Farming Authority ("TOFA") for the construction of the**
19 **Project; and**

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22 **WHEREAS, by Resolution 96-387 the Legislative Council (1) suspended TOFA's**
23 **Plan of Operation for a period of 180 days and (2) authorized the**
24 **Chairman of the Nation to take those actions necessary for the**
25 **protection of the Nation's assets under the control of the TOFA,**
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including initiation of a fraud audit, and to further ensure farming operations continue without interruption; and

WHEREAS, Resolution 96-387 was adopted following a report on concerns related to the financial management of TOFA; and

WHEREAS, it is imperative to proceed with the construction of the Project without further delay; and

WHEREAS, repeal of Resolution 96-210 is necessary and advisable in light of the report on TOFA's financial management and to enable construction of the Project to proceed as soon as possible; and

WHEREAS, the Water Resources Committee recommends adoption of this Resolution by the Legislative Council.

NOW, THEREFORE, BE IT RESOLVED that:

- 1. The Tohono O'odham Legislative Council hereby repeals Resolution 96-210.**
- 2. The Chairman of the Nation and the Water Projects Office are hereby authorized and directed to immediately take all actions**

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necessary to initiate a bidding procedure and other steps designed to proceed with the construction of the Schuk Toak Farm Project, consistent with the terms and conditions of the Grant Agreement (including the Procurement Standards and Construction clauses attached thereto) approved by the Legislative Council pursuant to Resolution 95-141.

The foregoing Resolution was presented to the Tohono O'odham Council on the 13TH day of SEPTEMBER, 1996 at a meeting at which a quorum was present and by a vote of 731.0 FOR; 763.5 AGAINST; 67.0 NOT VOTING; and 314.0 [05] ABSENT, failed to pass because it did not receive a majority of the votes cast as required by Sections 1 (d)(f) of Article VI and Section 1 of Article XVI of the Constitution of the Tohono O'odham Nation.

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Dennis Ramon, Legislative Chairman

ATTEST:



Frances Antone, Legislative Secretary

DEFEATED
RESOLUTION NO. 96-449

ACTION: REPEALING RESOLUTION 96-210

MOVED: COUNCILWOMAN MARY ANN ANTONE

SECOND: COUNCILMAN TONY BURRELL

DATE: SEPTEMBER 13, 1996

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOIES	FOR	AGAINST	NOT VOIING	ABSENT
SIF ODAK 160.0	1. MARY ANN ANTONE (Nellie Miguel)	80.0	X			
	2. RITA MARTINEZ (Maxine Norris)	80.0	X			
SELLS 314.0	1. JOSEPH T. JOAQUIN (Allen W. Garcia, Jr.)	157.0				X
	2. LUCILLE ENCINAS (Cynthia Chico)	157.0				X
SCHUK TOAK 117.0	1. KENNETH J. ANTONE ()	58.5		X		X
	2. JOSEPH JUAN ()	58.5		X		
SAN XAVIER 142.0	1. DENNIS RAMON ()	71.0		X		
	2. TONY BURRELL ()	71.0	X			
BABOQUIVARI 257.0	1. EDWARD KISTO (Idella Stanley)	128.5	X			
	2. FRANCES MIGUEL (Kenneth Chico, Sr.)	128.5	X			
GU ACHI 187.0	1. WILLARD ANITA (Louis Johnson)	93.5		X		X
	2. ALEX J. RAMON (Marian Johnson)	93.5		X		
PISINEMO 135.0	1. JOHNSON JOSE (Roseleen Antone)	67.5	X			
	2. BARBARA SALVICIO ()	67.5		X		
SAN LUCY 105.0	1. ALBERT MANUEL, JR. ()	52.5	X			X
	2. JOHN RENO (Mary Hoffman)	52.5	X			
GU VO 134.0	1. GLORIA MONTANA ()	67.0			X	
	2. FERN SALCIDO (Larry Montana)	67.0		X		
HICKIWAN 142.0	1. LLOYD FRANCISCO ()	71.0	X			
	2. ALEX JOSE ()	71.0		X		
CHUKUT KUK 183.0	1. KENNETH WILLIAMS ()	91.5		X		
	2. DAVID GARCIA (Marvin Thomas)	91.5		X		
TOTAL		1,876.0	731.5	763.5	67.0	314.0 [05]

****PASSED VOIES**