

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing the Establishment of Cash Collateral for the 1998 Crop
Loan in the Form of a Security Deposit with Anderson Clayton Co.)**

RESOLUTION NO. 98-223

WHEREAS, on behalf of the Tohono O'odham Nation Farm Authority (TOFA), the Tohono O'odham Legislative Council enacted Resolution No. 98-050, Approval of Tohono O'odham Farm Authority Request for Letter of Credit as Cash Collateral for 1998 Crop Loan; and

WHEREAS, Resolution No. 98-050 authorized the Chairman of the Nation to negotiate and execute appropriate documents with the Bank of America for development and issuance of a Letter of Credit in the amount of \$800,000 from one of the Nation's investment account, IC 1067503; and

WHEREAS, with diligent efforts the Chairman, with the cooperation of TOFA, has been unable to reach a satisfactory agreement with Bank of America for establishing the Letter of Credit for the benefit of TOFA and the current crop season; and

WHEREAS, time is of the essence in this matter as TOFA has proceeded with its crop preparation and implementation for the current season requiring the immediate deposit of security for its negotiated crop loan with Anderson Clayton Co.; and

WHEREAS, it is in the best interest of the Nation and TOFA that the Anderson Clayton Crop Loan be secured as required at the earliest date so as not to affect the existing crops.

NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council:

- 1. The Chairman of the Nation, on behalf of TOFA, is hereby**

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3 authorized to execute the transfer of \$800,000 from Account IC
4 1067503 and to deposit said funds with Anderson Clayton Co. in a
5 separate interest-bearing account governed by a Compensating
6 Balance Agreement as additional cash collateral for TOFA's 1998
7 crop loan; provided that such transfer and deposit shall not be
8 made until (a) TOFA issues a promissory note in favor of the Nation
9 for repayment of the \$800,000, plus interest thereon at two points
10 above the prime rate in effect at Bank of America on the date the
11 promissory note is executed; (b) a loan agreement between TOFA
12 and the Nation is executed governing repayment to the Nation of
13 the \$800,000 plus interest thereon; and (c) a Compensating
14 balance Agreement is executed with appropriate amendments.

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16 2. The Chairman of the Nation is authorized to negotiate and execute
17 each of the documents identified in clauses (a) through (c) above.
18
19 3. This action supercedes any provision of Resolution #98-050 in
20 conflict with these provisions.

21 The foregoing Resolution was passed by the Tohono O'odham Council on the 04th
22 day of JUNE, 1998 at a meeting at which a quorum was present with a vote of 1,766.0
23 FOR; -0- AGAINST; -0- NOT VOTING; and 161.0 [05] ABSENT, pursuant to the powers
24 vested in the Council by Section 1(d)(2) of Article VI of the Constitution of the Tohono
O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and
approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on
March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

25 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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27 
Dennis Ramon, Legislative Chairman

28 8th day of June, 19 98

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ATTEST:

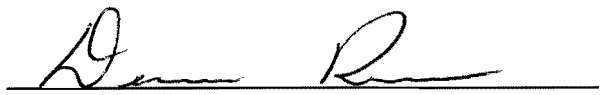


Julianna Saraficio, Acting Legislative Secretary

4th day of Jan, 19 98.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 8th day of June, 19 98 at 2:35 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



Dennis Ramon, Legislative Chairman

APPROVED

on the 9th day of June, 19 98

DISAPPROVED

at 9:25 o'clock, A.M.



**EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 9th day of

Jan, 19 98, at 10:15 o'clock, A.M.



Julianna Saraficio, Acting Legislative Secretary

ACTION: AUTHORIZING THE ESTABLISHMENT OF CASH COLLATERAL FOR THE 1998 CROP LOAN IN THE FORM OF A SECURITY DEPOSIT WITH ANDERSON CLAYTON CO.

MOVED: COUNCILMAN AMBROSE ENCINAS

SECOND: VICECHAIRMAN ALBERT MANUEL JR.

DATE: JUNE 04, 1998

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 189.0	1. DAVID GARCIA (Marvin Thomas)	94.5	X			
	2. KENNETH WILLIAMS (Arnold F. Smith Sr.)	94.5	X			X
HICKIWAN 146.0	1. ALEX JOSE ()	73.0	X			
	2. LLOYD FRANCISCO (Susan Sam)	73.0	X			
GU VO 142.0	1. FERN SALCIDO (Larry Montana)	71.0	X			
	2. GLORIA MONTANA (Phillip Antone)	71.0	X			X
SAN LUCY 114.0	1. JOHN RENO (Mary Hoffman)	57.0	X			
	2. ALBERT MANUEL, JR. (Jana Montana)	57.0	X			
PISINEMO 139.0	1. BARBARA SALVICIO ()	69.5	X			
	2. JOHNSON JOSE ()	69.5	X			
GU ACHI 190.0	1. LOUIS JOHNSON ()	95.0	X			
	2. ALEX J. RAMON** ()	95.0	X			
BABOQUIVARI 258.0	1. FRANCES MIGUEL ()	129.0	X			X
	2. FRANCES G. ANTONE (Edward N. Kisto)	129.0	X			
SAN XAVIER 146.0	1. TONY BURRELL ()	73.0	X			
	2. DENNIS RAMON ()	73.0	X			
SCHUK TOAK 120.0	1. JOSEPH JUAN ()	60.0	X			
	2. AMBROSE ENCINAS ()	60.0	X			
SELLS 322.0	1. DENNIS E. JOSE ()	161.0	X			
	2. EVELYN JUAN ()	161.0	X			
SIF OIDAK 161.0	1. RITA MARTINEZ (Maxine Norris)	80.5				X
	2. MARY ANN ANTONE (Darlene Andrew)	80.5				X
TOTAL		1,927.0	1,766.0	-0-	-0-	161.0 [05]

**PASSED VOTES