

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Amending Resolution No. 97-498 Approving Vi-ikam Doag Industries,  
P.L. 99-503 Set Aside Request in the Amount of \$1,000,000.00; and  
Amending Ordinance No. 1-84, Establishing Vi-ikam Doag  
Industries, Inc. By Charter of the Papago Tribal Council)**

**RESOLUTION NO. 98-224**

**WHEREAS, Resolution No. 97-498 passed by the Tribal Council effective December 8, 1997, authorized One Million Dollars from P.L. 99-503 funds be set aside in a Bank of America account for the specific use as security for a bond program for Vi-ikam Doag Industries ("VDI"); and**

**WHEREAS, VDI and the Nation have diligently negotiated with Bank of America for a period of 5 months to establish the set aside account for purposes of VDI's bond program; and**

**WHEREAS, the Nation and VDI have been unsuccessful in establishing a set aside account at Bank of America due to the conditions imposed by Bank of America; and**

**WHEREAS, VDI has suffered injury and continues to suffer injury due to the inability to effectuate the Legislative Council's directed action in Resolution No. 97-498; and**

**WHEREAS, after consultation with the Attorney General of the Nation, the Board of VDI passed Board Resolution No. 05-06-98-01 attached hereto which provides an alternative to the set aside account with the same purposes and objectives as the set aside account; and**

**WHEREAS, the San Lucy District Council supports VDI's Board Resolution No. 05-06-98-01 by San Lucy District Council Resolution No. SL 05-39-98.**

**NOW, THEREFORE, BE IT RESOLVED THAT the Tohono O'odham Legislative Council does hereby rescind its direction to the Budget & Finance/Investment Committee to establish a set aside account at Bank of America and**

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**instead, does hereby approve the transfer of One Million Dollars from P.L. 99-503 funds to San Lucy District for use by San Lucy District to support the bonding program of VDI.**

**BE IT FURTHER RESOLVED THAT the San Lucy District shall enter into such agreements with VDI as necessary to make the One Million Dollars available to VDI to be used as collateral for VDI's bonding program and for no other purpose.**

**BE IT FURTHER RESOLVED THAT, Article II, paragraph 2 of the VDI Charter, Ord. No. 1-84, Papago Tribal Council, which reads as follows:**

**The Papago Tribe hereby gives its irrevocable consent to allowing the Vi-ikam Doag Industries to sue and be sued in its corporate name upon any contract, claim or obligation arising out of its activities under this Charter, and hereby authorizes the Vi-ikam Doag Industries to agree by express provisions in a contract to waive any immunity from suit it might otherwise have; provided however, that the foregoing consent and authorization shall not be deemed a consent or an authorization by or on behalf of the Vi-ikam Doag Industries or the Papago Tribe to the levy of any judgment, lien, attachment, execution or other judicial process upon the property, assets or receipts pledged or assigned, and further provided that neither the Papago Tribe nor the San Lucy District shall be liable for the debts or obligations of Vi-ikam Doag Industries.**

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**Be amended to read as follows:**

**The Tohono O'odham Nation hereby gives its irrevocable consent to allowing the Vi-ikam Doag Industries to sue and be sued in its corporate name upon any contract, claim or obligation arising out of its activities under this Charter, and hereby authorizes the Vi-ikam Doag Industries to agree by express provisions in a contract to waive any immunity from suit it might otherwise have; provided that neither the Tohono O'odham Nation nor the San Lucy District shall be liable for the debts or obligations of Vi-ikam Doag Industries.**

**The foregoing Resolution was passed by the Tohono O'odham Council on the 04TH day of JUNE, 1998 at a meeting at which a quorum was present with a vote of 1,766.0 FOR; -0- AGAINST; -0- NOT VOTING; and 161.0 [04] ABSENT, pursuant to the powers vested in the Council by Section 1(f) 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).**

**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

  
\_\_\_\_\_  
**Dennis Ramon, Legislative Chairman**

8<sup>th</sup> day of June, 1998

**ATTEST:**

  
\_\_\_\_\_  
**Julianna Saraficio, Acting Legislative Secretary**

4<sup>th</sup> day of Jan, 1998.

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**(Amending Resolution No. 97-498 Approving Vi-ikam Doag Industries, P.L. 99-503 Set Aside Request in the Amount of \$1,000,000.00; and Amending Ordinance No. 1-84, Establishing Vi-ikam Doag Industries, Inc. By Charter of the Papago Tribal Council)**

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 8<sup>th</sup> day of June, 19 98 at 2:36 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 9<sup>th</sup> day of June, 19 98

**DISAPPROVED**

at 9:30 o'clock, A.M.



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

Returned to the Legislative Secretary on the 9<sup>th</sup> day of

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



**Julianna Saraficio, Acting Legislative Secretary**

**ACTION:** AMENDING RESOLUTION NO. 97-498 APPROVING VI-IKAM DOAG INDUSTRIES, P.L. 99-503 SET ASIDE REQUEST IN THE AMOUNT OF \$1,000,000.00; AND AMENDING ORDINANCE NO. 1-84, ESTABLISHING VI-IKAM DOAG INDUSTRIES, INC. BY CHARTER OF THE PAPAGO TRIBAL COUNCIL

**MOVED:** COUNCILMAN JOHN RENO

**SECOND:** COUNCILWOMAN FERN SALCIDO

**DATE:** JUNE 04, 1998

| DISTRICT                    | LEGISLATIVE REPRESENTATIVES                  | # OF VOTES     | FOR            | AGAINST    | NOT VOTING | ABSENT           |
|-----------------------------|--|----------------|----------------|------------|------------|------------------|
| <b>CHUKUT KUK</b><br>189.0  | 1. DAVID GARCIA<br>(Marvin Thomas)           | 94.5           | X              |            |            |                  |
|                             | 2. KENNETH WILLIAMS<br>(Arnold F. Smith Sr.) | 94.5           | X              |            |            | X                |
| <b>HICKIWAN</b><br>146.0    | 1. ALEX JOSE**<br>( )                        | 73.0           | X              |            |            |                  |
|                             | 2. LLOYD FRANCISCO<br>(Susan Sam)            | 73.0           | X              |            |            |                  |
| <b>GU VO</b><br>142.0       | 1. FERN SALCIDO<br>(Larry Montana)           | 71.0           | X              |            |            |                  |
|                             | 2. GLORIA MONTANA<br>(Phillip Antone)        | 71.0           | X              |            |            | X                |
| <b>SAN LUCY</b><br>114.0    | 1. JOHN RENO<br>(Mary Hoffman)               | 57.0           | X              |            |            |                  |
|                             | 2. ALBERT MANUEL, JR. **<br>(Jana Montana)   | 57.0           | X              |            |            |                  |
| <b>PISINEMO</b><br>139.0    | 1. BARBARA SALVICIO<br>( )                   | 69.5           | X              |            |            |                  |
|                             | 2. JOHNSON JOSE<br>( )                       | 69.5           | X              |            |            |                  |
| <b>GU ACHI</b><br>190.0     | 1. LOUIS JOHNSON<br>( )                      | 95.0           | X              |            |            |                  |
|                             | 2. ALEX J. RAMON<br>( )                      | 95.0           | X              |            |            |                  |
| <b>BABOQUIVARI</b><br>258.0 | 1. FRANCES MIGUEL<br>( )                     | 129.0          | X              |            |            |                  |
|                             | 2. FRANCES G. ANTONE<br>(Edward N. Kisto)    | 129.0          | X              |            |            |                  |
| <b>SAN XAVIER</b><br>146.0  | 1. TONY BURRELL<br>( )                       | 73.0           | X              |            |            |                  |
|                             | 2. DENNIS RAMON<br>( )                       | 73.0           | X              |            |            |                  |
| <b>SCHUK TOAK</b><br>120.0  | 1. JOSEPH JUAN<br>( )                        | 60.0           | X              |            |            |                  |
|                             | 2. AMBROSE ENCINAS<br>( )                    | 60.0           | X              |            |            |                  |
| <b>SELLS</b><br>322.0       | 1. DENNIS E. JOSE**<br>( )                   | 161.0          | X              |            |            |                  |
|                             | 2. EVELYN JUAN<br>( )                        | 161.0          | X              |            |            |                  |
| <b>SIF OIDAK</b><br>161.0   | 1. RITA MARTINEZ<br>(Maxine Norris)          | 80.5           | X              |            |            | X                |
|                             | 2. MARY ANN ANTONE<br>(Darlene Andrew)       | 80.5           | X              |            |            | X                |
| <b>TOTAL</b>                |  | <b>1,927.0</b> | <b>1,766.0</b> | <b>-0-</b> | <b>-0-</b> | <b>161.0[04]</b> |

\*\*PASSED VOTES