

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Tohono O'odham Farming Authority 1999 and 2000 Financing
Arrangements and Limited Waiver of Sovereign Immunity)**

RESOLUTION NO. 99-655

1 **WHEREAS, the Tohono O'odham Farming Authority (TOFA) has negotiated the following**
2 **financing agreements with ACCO Finance Co. related to TOFA's operations in**
3 **calendar years 1999 and 2000, copies of which are attached hereto: (1) 1999**
4 **Interim Loan Letter Agreement in the amount of \$650,000.00 and related**
5 **Promissory Note (collectively the "Interim Loan Documents"); (2) 2000 Revolving**
6 **Line of Credit in the amount of \$350,000.00 and on the terms set forth in the**
7 **related Promissory Note, Security Agreement and Loan Agreement (collectively**
8 **the "Revolving Line of Credit Documents"); (3) 2000 Capital Equipment Loan in**
9 **the amount of \$210,000.00 and on the terms set forth in the related Promissory**
10 **Note, Security Agreement and Loan Agreement (collectively the "Capital**
11 **Equipment Loan Documents"); (4) 2000 Crop Loan in the amount of \$700,000.00**
12 **and on the terms set forth in the Promissory Note, Security Agreement and Loan**
13 **Agreement (collectively the \$700,000.00 Crop Loan Documents"); and (5) 2000**
14 **Crop Loan in the amount of \$3,300,024.00 and on the terms set forth in the**
15 **related Promissory Note, Security Agreement and Loan Agreement (collectively**
16 **the "\$3,300,024.00 Crop Loan Documents"); and**

17 **WHEREAS, each of the foregoing Loan Agreements contains a limited waiver of TOFA's**
18 **sovereign immunity with respect to disputes arising thereunder; and**

19 **WHEREAS, subparagraph 9.2.2.(A) of the TOFA's Second Restated Plan of Operation requires**
20 **approval of the Legislative Council of waivers of immunity in connection with**
21 **crop loans; and**

22 **WHEREAS, TOFA has negotiated a Business Agreement with Anderson Clayton Corp. related**
23 **to ginning of seed cotton grown by TOFA during the 2000-2001 crop year (the**
24 **"Business Agreement"), a copy of which is attached hereto; and**

25 **WHEREAS, the Agriculture Committee and the Budget & Finance Committee recommend**
26 **approval by the Legislative Council of the attached documents.**

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1 **WHEREAS, the Agriculture Committee and the Budget & Finance Committee recommend**
2 **approval by the Legislative Council of the attached documents.**

3 **NOW, THEREFORE, BE IT RESOLVED THAT:**

- 4 **1. The Tohono O'odham Legislative Council approves the Interim Loan**
5 **Documents, the Revolving Line of Credit Documents, the Capital Equipment**
6 **Loan Documents, the \$700,000.00 Crop Loan Documents, and the**
7 **\$3,300,024.00 Crop Loan Documents (collectively the "Loan Documents"), and**
8 **the limited waivers of TOFA's immunity therein, in the form and on the terms**
9 **set forth in the Loan Documents attached hereto.**
- 10 **2. The Legislative Council approves the Business Agreement with Anderson**
11 **Clayton Corp. in the form attached hereto.**
- 12 **3. The Chairman of the Nation is authorized and directed to execute the Loan**
13 **Documents and the Business Agreement.**
- 14 **4. The Chairman of the Nation, or, in his absence the Vice Chairman of the**
15 **Nation, is authorized to take such action as may be necessary to implement**
16 **the Business Agreement and the Loan Documents on their respective terms,**
17 **including submission of requests for loan advances under the Loan**
18 **Documents.**

19 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09TH,**
20 **day of DECEMBER, 1999 at a meeting at which a quorum was present with a vote of 2,165.5**
21 **FOR; -0- AGAINST; -0- NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the**
22 **Council by Section 1 (d)(2) & (f) of Article VI of the Constitution of the Tohono O'Odham**
23 **Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the**
24 **Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant**
25 **to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

26
27 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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29 
30 **Dennis Ramon, Legislative Chairman**

31
32 14th day of December, 19 99

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1 ATTEST:

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5 Julianna Saraficio, Acting Legislative Secretary

6
7 09 day of December, 19 99.

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9 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
10 O'odham Nation on the 14th day of December, 19 99 at 4:33
11 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and
12 will become effective upon his approval or upon his failure to either approve or disapprove
13 it within 48 hours of submittal.

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15 TOHONO O'ODHAM LEGISLATIVE COUNCIL


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19 Dennis Ramon, Legislative Chairman

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24 APPROVED

on the 15th day of December, 19 99

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26 DISAPPROVED

at 8:17 o'clock, A.M.

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30 EDWARD D. MANUEL, Chairman
31 TOHONO O'ODHAM NATION

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36 Returned to the Legislative Secretary on the 15 day of

37
38 December, 19 99, at 10:18 o'clock, A.M.

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40 
41 Julianna Saraficio, Acting Legislative Secretary

ACTION: APPROVING TOHONO O'ODHAM FARMING AUTHORITY 1999 AND 2000 FINANCING ARRANGEMENTS AND LIMITED WAIVER OF SOVEREIGN IMMUNITY

MOVED: COUNCILWOMAN MARY ANN ANTONE

SECOND: COUNCILWOMAN FRANCES ANTONE

DATE: DECEMBER 09, 1999

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 171.8	1. MARY ANN ANTONE (Darlene Andrew)	85.9	X			
	2. RITA MARTINEZ (Nicholas Jose)	85.9	X			
SELLS 372.7	1. DENNIS E. JOSE ()	186.35	X			
	2. EVELYN JUAN ()	186.35	X			
SCHUK TOAK 133.4	1. MARY FLORES ()	66.7	X			X
	2. AMBROSE ENCINAS ()	66.7	X			
SAN XAVIER 165.9	1. TONY BURRELL ()	82.95	X			X
	2. DENNIS RAMON ()	82.95	X			
BABOQUIVARI 286.5	1. FRANCES MIGUEL ()	143.25	X			X
	2. FRANCES G. ANTONE (Edward N. Kisto)	143.25	X			
GU ACHI 209.6	1. CAMILLUS LOPEZ (Louis Johnson)	104.8	X			
	2. ALEX J. RAMON ()	104.8	X			
PISINEMO 156.8	1. BARBARA SALVICIO (Alex Antone)	78.4	X			
	2. JOHNSON JOSE ()	78.4	X			
SAN LUCY 128.1	1. ALBERT MANUEL, JR. ()	64.05	X			X
	2. GLORIA RAMIREZ ()	64.05	X			
GU VO 160.0	1. FERN SALCIDO ()	80.0	X			
	2. GLORIA MONTANA (Phillip Antone)	80.0	X			X
HICKIWAN 158.1	1. ALEX JOSE (Shirley Santos)	79.05	X			
	2. LLOYD FRANCISCO (Susan Sam)	79.05	X			
CHUKUT KUK 222.6	1. KENNETH WILLIAMS ()	111.3	X			
	2. DAVID GARCIA (Mary Audrey Juan)	111.3	X			
TOTAL		2,165.5	2,165.5	-0-	-0-	[05]

****PASSED VOTES**