

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving San Xavier Allottees Association Fiscal Year 2012 Budget and
Expenditure of SAWRSA Amendments 9B Farm Cash-Out Funds)

RESOLUTION NO. 12-313

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with the**
2 **authority to "consult, negotiate and conclude agreements and contracts...with**
3 **Federal, State and local governments..." to "consult with the Congress of the United**
4 **States and appropriate federal agencies regarding federal activities that affect the**
5 **Tohono O'odham Nation..." and to "enact laws, ordinances and resolutions necessary**
6 **or incidental to the exercise of its legislative powers"; (Constitution, Article VI, Section**
7 **1(f), 1(j), and 1(1)); and**

8 **WHEREAS, on December 10, 2004, the United States Congress enacted the Arizona Water**
9 **Settlements Act, P.L. 108-451, including Title III, the Southern Arizona Water Rights**
10 **Settlement Act Amendments ("SAWRSA Amendments"), which authorized the San**
11 **Xavier District to elect to receive \$18.3 million in lieu of the federal government's**
12 **obligation to construct the proposed "9B Farm" (SAWRSA Amendments, Section**
13 **304(c)(3)(A)(ii)); and**

14 **WHEREAS, the San Xavier District Council elected to not construct the 9B Farm, and therefore**
15 **requested and received the in lieu payment plus interest ("9B Farm Cash-Out Fund")**
16 **(SXDC Resolution No. 10-09-10); and**

17 **WHEREAS, the San Xavier District's 9B Farm Cash-Out Fund may be expended in accordance with**
18 **a budget that is authorized by the District Council and approved by resolution of the**
19 **Legislative Council (SAWRSA Amendments, Section 304(f)(1)(B)(I) and (ii)); and**

20 **WHEREAS, the San Xavier Allottees Association ("SXAA") received approval from the San Xavier**
21 **District Council for a three-year grant totaling \$844,270.00 from the 9B Farm Cash-Out**
22 **Fund to fund activities of the SXAA for fiscal years 2011 through 2013 (SXDC Resolution**
23 **#12-10-12); and**

24 **WHEREAS, by Resolution No. 11-045, the Legislative Council approved the expenditure of**
25 **\$304,343.00 in interest accrued on SAWRSA Amendments 9B Farm Cash-Out Funds to**
26 **fund only the SXAA fiscal year 2011 budget; and**

27 **WHEREAS, the San Xavier District Council has approved the SXAA Fiscal Year 2012 Budget, which**
28 **is incorporated by this reference, for the second year of the 9B Farm Cash-Out Fund**
29 **Grant (SXDC Resolution #07-2-01); and**

30 **WHEREAS, the Budget and Finance Committee has reviewed the SXAA Fiscal Year 2012 Budget in**
31 **the amount of \$268,267.00.**

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1 NOW, THEREFORE, BE IT RESOLVED that, in accordance with the SAWRSA Amendments and the
2 Nation's Constitution, the Tohono O'odham Legislative Council:

- 3 1. Approves the SXAA Fiscal Year 2012 Budget in the amount of \$268,267.00 from the
4 SAWRSA 9B Farm Cash-Out Funds, provided that any change in the funding
5 amounts or the purpose for which funds are used must be authorized by San
6 Xavier District Council resolution and approved by the Legislative Council.
- 7 2. Approves the expenditure by the SXAA of \$268,267.00 in accordance with the SXAA
8 Fiscal Year 2012 Budget, for fiscal year 2012 only, provided that the expenditure
9 of 9B Farm Cash-Out Funds and related budgets for subsequent fiscal years must
10 be authorized by San Xavier District Council resolution and approved by the
11 Legislative Council.

12 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07TH Day
13 of AUGUST, 2012 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0-
14 AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by
15 Section 1 (d)(f)(i) and (1) of Article VI and Section 7 of Article IX of the Constitution of the Tohono
16 O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by
17 the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to
18 Section 16 of the Act of June 18, 1934 (48 Stat. 984).

19
20 TOHONO O'ODHAM LEGISLATIVE COUNCIL

21
22 
23
24 Timothy Joaquin, Legislative Chairman

25
26 16 day of August, 2012
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28
29 ATTEST:

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32 Evonne Wilson, Legislative Secretary

33
34 15 day of August, 2012
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36 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham
37 Nation on the 16 day of August, 2012 at 11:00 o'clock, A.M.,
38 pursuant to the provisions of Section 4 of Article VII of the Constitution and will become effective
39 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
40 submittal.
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TOHONO O'ODHAM LEGISLATIVE COUNCIL

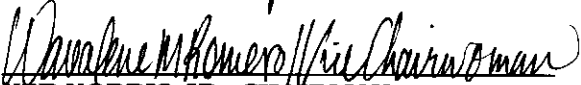

Timothy Joaquin, Legislative Chairman

APPROVED

on the 17 day of August, 2012

DISAPPROVED

at 1:00 o'clock, p.M.


NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 17 day of

August, 2012, at 3:22 o'clock, p.M.


Evonne Wilson, Legislative Secretary

ACTION: APPROVING SAN XAVIER ALLOTTEES ASSOCIATION FISCAL YEAR 2012 BUDGET AND EXPENDITURE OF SAWRSA AMENDMENTS 9B FARM CASH-OUT FUNDS

MOVED: COUNCILMAN HILARION CAMPUS

SECOND: COUNCILWOMAN OLIVIA VILLEGAS-LISTON

DATE: AUGUST 07, 2012

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			
	2. FRANCES G. ANTONE (<i>Absent</i>) (Vernon Smith) (<i>Present</i>)	171.0	X			
CHUKUT KUK 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X			
	2. BILLMAN LOPEZ ()	151.10	X			
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN ()	122.45	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45	X			
GU VO 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X			
	2. PAMELA ANGHILL ()	113.35	X			X
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ()	93.15	X			X
PISINEMO 200.7	1. CHESTER ANTONE (<i>Absent</i>) (Tony Murrietta) (<i>Present</i>)	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
SAN LUCY 204.6	1. LORRAINE EILER ()	102.30	X			
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
SAN XAVIER 215.8	1. HILARION CAMPUS (Racheal Vilson-Stoner)	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X			
SCHUK TOAK 169.8	1. FRANCES B. STEPHENS (Anthony J. Rios)	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
SELLS 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85	X			X
	2. EVELYN B. JUAN MANUEL ()	237.85	X			
SIF OIDAK 211.9	1. NICHOLAS JOSE ()	105.95	X			
	2. MARY LOPEZ ()	105.95	X			
TOTAL		2,780.60	2,780.60	-0-	-0-	[03]