

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing Execution and Assignment of Lease for State Agricultural Lands)**

RESOLUTION NO. 12-489

- 1 **WHEREAS, the Tohono O'odham Farming Authority ("TOFA") is the Tohono O'odham Nation's**
2 **("Nation's") enterprise authorized to operate the San Lucy, Schuk Toak, and Vaiva Vo**
3 **Farms on behalf of the Nation; and**
- 4 **WHEREAS, TOFA is responsible for promoting the economic development and general welfare of**
5 **the Nation and its members by profitably developing the agricultural resources of the**
6 **Nation, pursuant to Paragraph 3.1 of TOFA's Second Restated Plan of Operation; and**
- 7 **WHEREAS, TOFA currently manages farming operations on State of Arizona trust land ("State**
8 **Trust Land") under a lease with the Arizona State Land Department adjacent to the San**
9 **Lucy Farm; and**
- 10 **WHEREAS, the lease for the State Trust Land is currently in holdover status; and**
- 11 **WHEREAS, TOFA has requested that the Nation sign a new lease with the Arizona State Land**
12 **Department ("Lease"), which is attached hereto and incorporated by reference, in**
13 **order to permit their management of farming operations on the State Trust Land to**
14 **continue, and upon signing the Lease, that the Nation assign the Lease to TOFA; and**
- 15 **WHEREAS, the proposed Lease contains a limited waiver of the sovereign immunity of the Nation,**
16 **or, upon assignment of the Lease, a limited waiver of the sovereign immunity of TOFA;**
17 **and**
- 18 **WHEREAS, pursuant to Section 9.4 of TOFA's Second Restated Plan of Operations, the Legislative**
19 **Council has retained the authority to prospectively modify the limited waiver of**
20 **TOFA's sovereign immunity as described in the Second Restated Plan of Operations;**
21 **and**
- 22 **WHEREAS, in order to assign the Lease to TOFA, it is necessary to prospectively modify TOFA's**
23 **sovereign immunity solely in the manner provided in, and for the purposes**
24 **contemplated by, the Lease; and**
- 25 **WHEREAS, the Agricultural and Natural Resources Committee and Water Resources Committee**
26 **have reviewed the Lease and recommend that it be executed substantially in the form**
27 **attached hereto, and further recommend that it be assigned to TOFA.**
- 28 **NOW, THEREFORE, BE IT RESOLVED THAT the Tohono O'odham Legislative Council hereby:**
29 **1. Approves the Lease substantially in the form attached hereto.**

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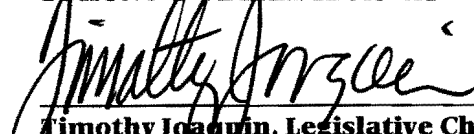
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2. Grants a limited waiver of the Nation's sovereign immunity necessary to comply with Section 22.23 of the Lease.
3. Pursuant to Section 9.4 of the Second Restated Plan of Operations for TOFA, grants a limited waiver of TOFA's sovereign immunity necessary to comply with Section 22.23 of the Lease.
4. Authorizes and directs the Chairperson of the Nation to timely enter into the Lease.
5. Authorizes and directs the Chairperson of the Nation to take any actions necessary to assign the Lease to TOFA, provided that such assignment shall not be effective unless and until the TOFA Management Board is vested with the authority to negotiate interests in real property.
6. Authorizes the Chairperson of the Nation to execute such further documents as may be reasonably necessary to implement the intent of this resolution.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 05TH Day of DECEMBER, 2012 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0- AGAINST; [02] NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1 (e) and (f) 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).

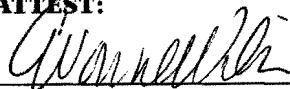
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

7 day of December, 2012

ATTEST:



Evonne Wilson, Legislative Secretary

6 day of December, 2012

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 7 day of December, 2012 at 3:40 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.

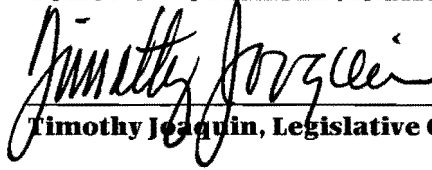
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TOHONO O'ODHAM LEGISLATIVE COUNCIL




Timothy Joaquin, Legislative Chairman

APPROVED

on the 10 day of December, 2012

DISAPPROVED

at 10:58 o'clock, A.M.



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

Returned to the Legislative Secretary on the 10 day of

December, 2012, at 11:26 o'clock, A.M.



Evonne Wilson, Legislative Secretary

ACTION: AUTHORIZING EXECUTION AND ASSIGNMENT OF LEASE FOR STATE AGRICULTURAL LANDS

MOVED: COUNCILWOMAN FRANCES B. STEPHENS

SECOND: COUNCILWOMAN LORRAINE EILER

DATE: DECEMBER 05, 2012

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			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 (Roselda Lewis)	113.35	X			
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ()	93.15	X			
PISINEMO 200.7	1. CHESTER ANTONE (Tony Murrietta)	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X		X	
SAN LUCY 204.6	1. LORRAINE EILER ()	102.30	X			
	2. JANA MONTANA (Gloria Ramirez)	102.30	X		X	
SAN XAVIER 215.8	1. HILARION CAMPUS (Racheal Vilson-Stoner)	107.90	X			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			
	2. MARIA ACKERMAN ()	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-	[02]	[02]