

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Appropriating \$1,700,000 from the Tat Momolikot Dam Settlement Fund to the Sif Oidak  
Development Authority and Amending Sif Oidak Development Authority Charter)**

**RESOLUTION NO. 13-185**

- 1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with the**  
2 **authority to "manage any funds within the exclusive control of the Tohono O'odham**  
3 **Nation. . ." and "all expenditures of these funds shall be pursuant to appropriations**  
4 **or budgets authorized under resolutions or in accordance with ordinances of the**  
5 **Tohono O'odham Council. . ." (Constitution, Article VI, Section 1(d)(2)); and**
- 6 **WHEREAS, to settle claims related to the federal government's construction of the Tat Momolikot**  
7 **Dam project, in 1986 the Tat Momolikot Dam Settlement Act, P.L. 99-469, was enacted**  
8 **by the United States Congress and authorized the Legislative Council to expend the**  
9 **\$6,000,000 in settlement funds and any accruing interest "for economic and**  
10 **community development and other tribal purposes" (P.L. 99-469, Section 4(b)); and**
- 11 **WHEREAS, the Sif-Oidak Development Authority is a non-profit corporation that is chartered by**  
12 **the Nation pursuant to Ordinance No. 01-86 and is vested with the power to purchase,**  
13 **own, improve and use real property, and whose unreserved and unrestricted earned**  
14 **surplus is distributed to the Sif Oidak District (Ordinance No. 01-86, Charter of the Sif**  
15 **Oidak Development Authority, Article II.3.(b) and Article IV.3.); and**
- 16 **WHEREAS, the Sif Oidak District has adopted Sif Oidak District Council Resolution No. SODC-12-**  
17 **006, "Approving the Purchase of Bob's Market from Mr. Robert LaFavor Utilizing the**  
18 **Tat Momolikot Settlement Funds in the amount of \$1,700,000.00 to cover the Cost of**  
19 **the store, Property, Overhead and Improvements," which provides "the purchase of**  
20 **the property will be made by the Sif Oidak Development Authority (SODA), an entity of**  
21 **the District;" and**
- 22 **WHEREAS, SODC-12-006 supported a purchase price of \$1.2 million, and a subsequent**  
23 **independent appraisal valued the Bob's Market store, property, improvements, and**  
24 **value of the business as a going concern at \$295,249; and**
- 25 **WHEREAS, the Sif Oidak District subsequently affirmed its support for a total appropriation of**  
26 **\$1.7 million and accepted proposed SODA charter amendments by Resolutions No.**  
27 **SODC-12-065 and SODC-12-066; and**
- 28 **WHEREAS, the current owner of the Bob's Market property has lowered his offering price to**  
29 **\$500,000; and**

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1 **WHEREAS, the Commerce Committee, Agricultural and Natural Resources Committee, and**  
2 **Budget and Finance Committee have reviewed the proposed purchase and other**  
3 **appropriations and recommends approval.**

4 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council appropriates**  
5 **\$1,700,000 from the Tat Momolikot Dam Settlement fund to the Sif Oidak Development**  
6 **Authority including \$500,000 for the cost of purchasing 40 acres of property, the Bob's**  
7 **Market L.L.C. store, improvements, and value of the business as a going concern;**  
8 **\$150,000 to repay the Sif Oidak District for the Mile Post 21 project; \$75,000 for the**  
9 **SODA operating budget; \$675,000 for Bob's Market operations, improvements, and**  
10 **contingency; and \$300,000 for a fuel site at Bob's Market provided that the funds**  
11 **appropriated by this resolution**

12 **(1) shall be transferred to the Authority after the Nation's treasurer has been**  
13 **provided with written proof that the Authority has obtained bonds required**  
14 **by Article IV, Section 2 of its charter; and**

15 **(2) shall not be loaned to any person or entity, or be used for any purpose other**  
16 **than those expressly identified in this resolution.**

17 **BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that Ordinance No. 01-86**  
18 **is amended to add Article IV, Section 6 to the Sif Oidak Development Authority charter**  
19 **as follows:**

20 **"6. The books and records of the Authority, including current financial and**  
21 **operating statements and all budget information, shall be kept on file in the**  
22 **office of the Authority and shall be available for inspection at all reasonable**  
23 **times by Directors of the Board, officers of the Authority, the Sif Oidak District**  
24 **chairperson and members of the District Council, and any other employee or**  
25 **official designated by either the District Chairperson or a majority of the District**  
26 **Council in writing. The accounts and records of the Authority shall be audited**  
27 **by an independent certified public accountant within 120 days of the close of**  
28 **each fiscal year. A copy of the complete final audit and a comprehensive, written**  
29 **annual report shall be provided to the Board, District Council, Legislative**  
30 **Council, and Nation's chairperson; and the accountant who prepared the audit**

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1 shall present it to the Board and at a District Council meeting that is open to  
2 District residents.

3 BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that Ordinance No. 01-86 is  
4 amended to delete Article II, subsection 3(d).

5 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 22<sup>ND</sup> Day  
6 of MAY, 2013 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0- AGAINST;  
7 -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article VI,  
8 Section 1 (d)(2) and 1(e) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono  
9 O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -  
10 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48  
11 Stat. 984).

12  
13 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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15 Timothy Joaquin, Legislative Chairman

16 28 day of May, 2013  
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20 ATTEST:

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23 Evonne Wilson, Legislative Secretary

24 28 day of May, 2013.  
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26 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham  
27 Nation on the 28 day of May, 2013 at 2:13 o'clock, P.M.,  
28 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective  
29 upon his approval or upon his failure to either approve or disapprove it within 48 hours of  
30 submittal.

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32 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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34 Timothy Joaquin, Legislative Chairman  
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**ACTION: APPROPRIATING \$1,700,000 FROM THE TAT MOMOLIKOT DAM SETTLEMENT FUND TO THE SIF Oidak DEVELOPMENT AUTHORITY AND AMENDING SIF Oidak DEVELOPMENT AUTHORITY CHARTER**

**MOVED: COUNCILWOMAN MARY LOPEZ**

**SECOND: COUNCILWOMAN CYNTHIA E. MANUEL**

**DATE: MAY 22, 2013**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> <b>342.0</b>	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			
	2. FRANCES G. ANTONE <i>(Absent)</i> (Vernon Smith) <i>(Present)</i>	171.0	X			X
<b>CHUKUT KUK</b> <b>302.2</b>	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X			
	2. BILLMAN LOPEZ ( )	151.10	X			
<b>GU ACHI</b> <b>244.9</b>	1. TIMOTHY L. JOAQUIN ( )	122.45	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45	X			
<b>GU VO</b> <b>226.7</b>	1. GRACE MANUEL (Floyd Flores)	113.35	X			
	2. PAMELA ANGHILL ( )	113.35	X			
<b>HICKIWAN</b> <b>186.3</b>	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ( )	93.15	X			
<b>PISINEMO</b> <b>200.7</b>	1. CHESTER ANTONE <i>(Absent)</i> (Tony Murrietta) <i>(Present)</i>	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
<b>SAN LUCY</b> <b>204.6</b>	1. LORRAINE EILER (Diana Manuel)	102.30	X			
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
<b>SAN XAVIER</b> <b>215.8</b>	1. HILARION CAMPUS (Racheal Vilson-Stoner)	107.90	X			
	2. OLIVIA VILLEGAS-LISTON <i>(Absent)</i> (Eugene Enis) <i>(Present)</i>	107.90	X			
<b>SCHUK TOAK</b> <b>169.8</b>	1. FRANCES B. STEPHENS (Anthony J. Rios)	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
<b>SELLS</b> <b>475.7</b>	1. ARTHUR WILSON <i>(Absent)</i> (Kimberly Mull) <i>(Present)</i>	237.85	X			X
	2. MARIA ACKERMAN ( )	237.85	X			
<b>SIF Oidak</b> <b>211.9</b>	1. NICHOLAS JOSE ( )	105.95	X			
	2. MARY LOPEZ ( )	105.95	X			
<b>TOTAL</b>		<b>2,780.60</b>	<b>2,780.60</b>	<b>-0-</b>	<b>-0-</b>	<b>[02]</b>