

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Authorizing the Treasurer to Establish a Water Revenue Account and Open an Investment Account with Bank of America for Revenues from Water Transactions)**

**RESOLUTION NO. 14-525**

1 **WHEREAS,** under the Southern Arizona Water Rights Settlement Act Amendments (the  
2 "SAWRSA Amendments"), which are Title III of the Arizona Water Settlements Act  
3 of 2004, Public Law 108-451, the Tohono O'odham Nation (the "Nation") is  
4 entitled to receive 66,000 acre-feet of Central Arizona Project ("CAP") water per  
5 year for uses on or off the reservation; and

6 **WHEREAS,** under Resolutions No. 08-592 and 09-511 the Nation decided to store some of its  
7 annual CAP water deliveries in underground storage facilities off reservation  
8 and thereby to accrue marketable long-term storage credits under Arizona law;  
9 and

10 **WHEREAS,** under Resolutions No. 12-194 and 13-043 the Nation decided to exchange some  
11 of its CAP water with an irrigation district which operates a groundwater savings  
12 facility in return for monetary payments and marketable long-term storage  
13 credits generated under Arizona law; and

14 **WHEREAS,** in March 2012 the Nation received approximately \$5.8 million from the Office of  
15 the Special Trustee which had been paid to the Bureau of Indian Affairs from the  
16 Tucson Interim Water Lease which was identified in Section 309(i) of the SAWRSA  
17 Amendments; and

18 **WHEREAS,** in October 2013 the Nation received \$4 million from the United States Bureau of  
19 Reclamation, as provided for in Section 317 of the SAWRSA Amendments, in  
20 reimbursement for expenditures by the Nation's Water Resources Study  
21 Program and the Water Resources Department for completion of the water  
22 resources inventory; and

23 **WHEREAS,** Resolution No. 09-604 approved a revenue account within the SAWRSA Trust  
24 Fund for revenues derived specifically from the Asarco Settlement Agreement  
25 and directed the Treasurer to open an investment account with Bank of America  
26 to invest these funds; and

27 **WHEREAS,** it is anticipated that the cost of delivering the Nation's CAP water entitlement  
28 will increase over the years, and the Water Resources Committee recommends  
29 that the Nation should prepare for such increases and for other water related  
30 costs by setting aside revenues derived from water transactions, including but  
31 not limited to water leases, water exchanges, water sales, and sales of  
32 marketable long-term storage credits, in a segregated account for future  
33 appropriation by the Legislative Council for water related expenditures; and

34 **WHEREAS,** the Water Resources Committee recommends that funds already received from  
35 the Office of the Special Trustee derived from the Tucson Interim Water Lease

**RESOLUTION NO. 14-525**

**(Authorizing the Treasurer to Establish a Water Revenue Account and Open an Investment Account with Bank of America for Revenues from Water Transactions)**

**Page 2 of 3**

1                   and from the Bureau of Reclamation in reimbursement for expenditures on the  
2                   Nation's water resources inventory also be placed in this account; and

3 **WHEREAS,**       this resolution has been reviewed by the Water Resources, Budget and Finance,  
4                   and Investment Committees, which recommend approval by the Legislative  
5                   Council.

6 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council hereby:

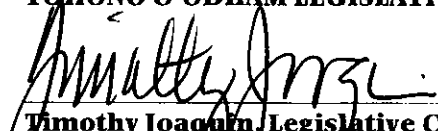
7                   1.       **Authorizes and directs the Treasurer of the Nation to establish a revenue**  
8                   **account for revenues from water transactions, including but not limited**  
9                   **to water leases, water exchanges, water sales, and sales of marketable**  
10                   **long-term storage credits, including the revenues received from the**  
11                   **Office of Special Trustee derived from the Tucson Interim Water Lease**  
12                   **and reimbursement received from the Bureau of Reclamation related to**  
13                   **expenditures for the Nation's water resources inventory, but not**  
14                   **including the revenues derived from the Asarco Settlement Agreement**  
15                   **which are referred to in Resolution No. 09-604, for future appropriation**  
16                   **by the Legislative Council for water related expenditures.**

17                   2.       **Authorizes and directs the Treasurer of the Nation to open an investment**  
18                   **account with Bank of America named the Water Revenue Account and to**  
19                   **invest the funds derived from water transactions described above in**  
20                   **accordance with the Nation's Investment Policy.**

21 **BE IT FINALLY RESOLVED** that expenditures from the Water Revenue Account shall be limited  
22                   in the same manner as expenditures from the SAWRSA Trust Fund.

23 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 24<sup>TH</sup>**  
24 **day of NOVEMBER, 2014 at a meeting at which a quorum was present with a vote of 2,946,5 FOR;**  
25 **-0- AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**  
26 **Article VI, Section 1(d)(2) of the Constitution of the Tohono O'odham Nation, adopted by the**  
27 **Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**  
28 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of**  
29 **June 18, 1934 (48 Stat.984).**

30  
31  
32 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

33  
34  
35  
36   
37 **Timothy Joaquin, Legislative Chairman**

38                   2 day of December, 2014  
39  
40  
41  
42  
43  
44  
45

**RESOLUTION NO. 14-525**

**(Authorizing the Treasurer to Establish a Water Revenue Account and Open an Investment Account with Bank of America for Revenues from Water Transactions)**

**Page 3 of 3**

1 **ATTEST:**

2 *Evonne Wilson*  
3  
4 **Evonne Wilson, Legislative Secretary**

5 2 day of December, 2014

7  
8 Said Resolution was submitted for approval to the office of the Chairman of the Tohono  
9 O'odham Nation on the 2 day of December, 2014 at 1:20 o'clock, P.m.,  
10 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become  
11 effective upon his approval or upon his failure to either approve or disapprove it within 48  
12 hours of submittal.

13  
14 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

15 *Timothy Joaquin*  
16  
17  
18 **Timothy Joaquin, Legislative Chairman**

19  
20  
21  
22  
23  **APPROVED**

24 on the 04 day of December, 2014

25  
26  **DISAPPROVED**

27 at 9:29 o'clock, A.m.

28 *Ned Norris, Jr.*  
29  
30 **NED NORRIS, JR., CHAIRMAN**  
31 **TOHONO O'ODHAM NATION**

32  
33  
34  
35  
36  
37 Returned to the Legislative Secretary on the 04 day of

38 December, 2014, at 10:28 o'clock, A.m.

39  
40  
41 *Evonne Wilson*  
42  
43 **Evonne Wilson, Legislative Secretary**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56

**ACTION: AUTHORIZING THE TREASURER TO ESTABLISH A WATER REVENUE ACCOUNT AND OPEN AN INVESTMENT ACCOUNT WITH BANK OF AMERICA FOR REVENUES FROM WATER TRANSACTIONS**

**Moved: COUNCILMAN HILARION CAMPUS**

**SECOND: COUNCILWOMAN RACHEAL VILSON-STONER**

**DATE: NOVEMBER 24, 2014**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF Oidak 224.2</b>	1. LUCINDA ALLEN (Nicholas Jose)	112.1	X			
	2. MARY LOPEZ ( )	112.1	X			
<b>SELLS 502.0</b>	1. ARTHUR WILSON (Ophelia Patten)	251.0	X			
	2. BARBARA HAVIER (Beverly Rivas)	251.0	X			
<b>SCHUK TOAK 174.2</b>	1. FRANCES B. STEPHENS (Anthony J. Rios)	87.1	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	87.1	X			X
<b>SAN XAVIER 224.2</b>	1. HILARION CAMPUS (Daniel L.A. Preston, III)	112.1	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	112.1	X			
<b>SAN LUCY 219.6</b>	1. DIANA MANUEL (Gloria Ramirez)	109.8	X			X
	2. JANA MONTANA ( )	109.8	X			
<b>PISINEMO 210.6</b>	1. CHESTER ANTONE (Tony Murrietta)	105.3	X			
	2. EDWARD MANUEL, SR. ( )	105.3	X			
<b>HICKIWAN 196.9</b>	1. LOUIS R. LOPEZ ( )	98.45	X			
	2. SANDRA ORTEGA (Manuel Osequeda, Jr.)	98.45	X			X
<b>HIA CED 19.6</b>	1. PATRICK ANDREWS (Janice E. Paul)	9.8	X			
	2. VIRGINIA GARCIA ( )	9.8	X			
<b>GU VO 241.0</b>	1. GRACE MANUEL (Floyd Flores)	120.5	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	120.5	X			
<b>GU ACHI 257.3</b>	1. TIMOTHY L. JOAQUIN ( )	128.65	X			
	2. LORETTA LEWIS (Louis Johnson)	128.65	X			
<b>CHUKUT KUK 319.2</b>	1. ETHEL GARCIA (Marlakay C. Henry)	159.6	X			
	2. BILLMAN LOPEZ ( )	159.6	X			
<b>BABOQUIVARI 357.7</b>	1. FRANCES MIGUEL (Roberta Harvey)	178.85	X			
	2. VERNON J. SMITH (Gloria Zazueta)	178.85	X			
<b>TOTAL</b>		<b>2,946.5</b>	<b>2,946.5</b>	<b>-0-</b>	<b>-0-</b>	<b>[03]</b>