

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Expenditure of Interest Accrued on SAWRSA Amendments 9B Farm Cash
Out Funds for Costs of the San Xavier Allottees Association)

RESOLUTION NO. 11-045

1 **WHEREAS, although in 1982 the U.S. Congress enacted the Southern Arizona Water Rights**
2 **Settlement Act, P.L. 97-293 ("SAWRSA"), in part, to settle pending water rights and**
3 **damage claims made by or on behalf of the Papago Tribe (now the Tohono O'odham**
4 **Nation), San Xavier allottees, and the United States, numerous claims remained**
5 **unresolved; and**

6 **WHEREAS, the Tohono O'odham Nation, the San Xavier District ("District") and the San Xavier**
7 **Allottees Association ("SXAA") participated in negotiations to amend SAWRSA and to**
8 **resolve outstanding claims; and**

9 **WHEREAS, as a result, on December 10, 2004 the United States Congress enacted the Arizona**
10 **Water Settlements Act, P.L. 108-451, including Title III, the Southern Arizona Water**
11 **Rights Settlement Act Amendments ("SAWRSA Amendments"); and**

12 **WHEREAS, the SAWRSA Amendments authorized the District to elect to receive \$18.3 million in**
13 **lieu of the federal government's obligation to construct the proposed "9B Farm"**
14 **(SAWRSA Amendments, Section 304(c)(3)(A)(ii)); and**

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

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

22 **WHEREAS, this requirement is consistent with the Constitution of the Tohono O'odham Nation,**
23 **which provides that district funds may be expended only in accordance with a budget**
24 **authorized by district council resolution and approved by the Legislative Council**
25 **(Constitution, Article IX, Section 7); and**

26 **WHEREAS, the SAWRSA Amendments provide that the 9B Farm Cash Out Fund may be expended**
27 **for various designated purposes, including the cost of activities of the SXAA (SAWRSA**
28 **Amendments, Section 304(f)(1)(C)(iv)); and**

29 **WHEREAS, the SXAA Board submitted to the District Council a three-year proposal dated for**
30 **reference December 6, 2010 and a budget (collectively, "SXAA Proposal and Budget")**
31 **to be funded with interest from the District's 9B Farm Cash Out Fund, including**
32 **\$304,343 for "Year 1"/fiscal year 2011, \$268,267 for "Year 2"/fiscal year 2012, and**
33 **\$271,660 for "Year 3"/fiscal year 2013; and**

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1 WHEREAS, the SXAA Proposal and Budget would be used to establish an office, hire staff, continue
2 on-going activities of the Board, and to provide programs for estate planning and will
3 writing workshops, an allottee handbook, land use and development workshops, and
4 Alvarez Ground Water Settlement Fund administration; and

5 WHEREAS, the District Council approved the SXAA Proposal and Budget by District Resolution No.
6 SXDC 12-10-12; and

7 WHEREAS, the Legislative Budget and Finance Committee has reviewed the proposed expenditure
8 of interest accrued on 9B Farm Cash Out Funds in accordance with the SXAA Proposal
9 and Budget and recommends that the Legislative Council limit any expenditure of
10 such funds to a one-year period.

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

13 (1) Approves the SXAA Proposal and Budget for fiscal year 2011 only in the amount
14 of \$304,343 from interest accrued on 9B Farm Cash Out Funds, provided that any
15 change in funding amounts or the purpose for which funds are used must be
16 authorized by San Xavier District Council resolution and approved by the
17 Legislative Council.

18 (2) Approves the expenditure by the SXAA of \$304,343 in accordance with the SXAA
19 Proposal and Budget for fiscal year 2011 only, provided that the expenditure of
20 9B Farm Cash Out Funds and related budgets for subsequent fiscal years must
21 be authorized by San Xavier District Council resolution and approved by the
22 Legislative Council.

23 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH Day
24 of FEBRUARY, 2011 at a meeting at which a quorum was present with a vote of 2,421.0 FOR; -0-
25 AGAINST; -0- NOT VOTING; and 174.50[05] ABSENT, pursuant to the powers vested in the Council
26 by Article VI, Section 1(d)(3) and Article IX, Section 7 of the Constitution of the Tohono O'odham
27 Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting
28 Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16
29 of the Act of June 18, 1934 (48 Stat. 984).

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32 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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36 Verlon M. Jose, Legislative Chairman

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38 16 day of February, 2011
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1 ATTEST:

2 *Evonne Wilson*

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4 Evonne Wilson, Legislative Secretary

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6 14 day of February, 2011.

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8 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham
9 Nation on the 16 day of February, 2011 at 4:46 o'clock, P.M.,
10 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
11 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
12 submittal.

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14 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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16 *Verlon Jose*
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18 Verlon M. Jose, Legislative Chairman

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24 APPROVED

on the 18 day of February, 2011

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26 DISAPPROVED

at 2:08 o'clock, P.M.

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

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36 Returned to the Legislative Secretary on the 18 day of

37 February, 2011, at 2:27 o'clock, P.M.

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39 *Evonne Wilson*
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42 Evonne Wilson, Legislative Secretary

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ACTION: APPROVING EXPENDITURE OF INTEREST ACCRUED ON SAWRSA AMENDMENTS 9B FARM CASH OUT FUNDS FOR COSTS OF THE SAN XAVIER ALLOTTEES ASSOCIATION

MOVED: VICE-CHAIRWOMAN FELICIA NUNEZ

SECOND: COUNCILWOMAN FRANCES G. ANTONE

DATE: FEBRUARY 08, 2011

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF ODAK 198.7	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			
	2. MARY LOPEZ ()	99.35	X			
SELLS 449.6	1. KIMBERLY LISTO ()	224.80	X			
	2. EVELYN B. JUAN MANUEL ()	224.80	X			
SCHUK TOAK 159.0	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
SAN XAVIER 204.7	1. FELICIA NUÑEZ ()	102.35	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35	X			X
SAN LUCY 187.1	1. LORRAINE EILER ()	93.55	X			
	2. GLORIA RAMIREZ ()	93.55	X			X
PISINEMO 184.5	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
HICKIWAN 174.5	1. MICHELLE ORTEGA ()	87.25				X
	2. SANDRA ORTEGA ()	87.25				X
GU VO 206.3	1. GRACE MANUEL ()	103.15	X			
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			
GU ACHI 230.1	1. TIMOTHY L. JOAQUIN ()	115.05	X			
	2. CYNTHIA E. MANUEL ()	115.05	X			
CHUKUT KUK 277.0	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ()	138.50	X			
BABOQUIVARI 324.0	1. FRANCES MIGUEL (Roberta Harvey)	162.0	X			X
	2. FRANCES G. ANTONE (Vernon Smith)	162.0	X			
TOTAL		2,595.50	2,421.0	-0-	-0-	174.50 [05]