

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing the Planning and Economic Development Department to Prepare
the Articles of Incorporation for a Federally Chartered Corporation under
Section 17 of the Indian Reorganization Act, 25 U.S.C. § 477)

RESOLUTION NO. 11-519

1 **WHEREAS, "Tohono O'odham Council shall have all of the legislative powers...(b) To provide for,**
2 **appoint, or provide for the appointment of, and prescribe the duties and powers of**
3 **committees, boards, officers and agents; to establish and regulate subordinate**
4 **organizations for business purposes..." (Constitution of the Tohono O'odham Nation,**
5 **Article VI, Section 1(b); and**

6 **WHEREAS, Federally Chartered Corporations under Section 17 of the Indian Reorganization Act**
7 **("Section 17 corporations") are legal entities that are wholly-owned by the tribe but**
8 **conduct and manage business activities separate from the tribal government, may be**
9 **empowered to purchase, hold, operate, manage and dispose of real and personal**
10 **property; and they enjoy the same privileges and immunities as an Indian tribe for**
11 **federal income tax purposes including the issuance of tax exempt debt, and may assert**
12 **or waive sovereign immunity; and**

13 **WHEREAS, Section 17 corporations may be authorized to enter into contracts or leases, mortgage**
14 **or otherwise encumber tribal lands, including trust and restricted lands within the**
15 **reservation, for a 25 year period without Bureau of Indian Affairs approval under 25**
16 **U.S.C. § 81; and**

17 **WHEREAS, a Section 17 corporation would be a beneficial business entity for the Nation; and**

18 **WHEREAS, the Planning and Economic Development Department has consulted with and plans**
19 **to work in cooperation with the Economic Development Authority in the development**
20 **of the Section 17 corporation and projects housed thereunder; and**

21 **WHEREAS, in order to initiate the Section 17 corporation process, the Nation must authorize**
22 **submission of the petition to the Secretary of the Interior; and**

23 **WHEREAS, following submission of the petition to the Secretary of the Interior, drafting of the**
24 **corporate charter will occur, which will be presented to the Nation for approval by and**
25 **through the Legislative Council; and**

26 **WHEREAS, a presentation has been made to the Legislative Council on the creation of a Section**
27 **17 corporation; and**

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1 **WHEREAS, the Commerce Committee, Agricultural & Natural Resources Committee, and the**
2 **Budget & Finance Committee each recommend the creation of a Section 17**
3 **corporation; and**

4 **WHEREAS, the Section 17 corporation will require a Board of Directors to oversee the business**
5 **activity of the corporation.**

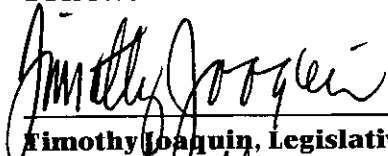
6 **NOW, THEREFORE, BE IT RESOLVED that the Legislative Council authorizes the Chairman, or any**
7 **designated official, to submit the petition to the Secretary of the Interior to commence**
8 **the Section 17 incorporation process.**

9 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council directs the Planning and**
10 **Economic Development Department to prepare a corporate charter and other legally**
11 **required documents to form a Section 17 corporation.**

12 **BE IT FINALLY RESOLVED that the Planning and Economic Development Department develop a**
13 **list of names and qualifications of potential Directors for the Board of the Section 17**
14 **corporation to be submitted to the Chairman's Office and Tohono O'odham Legislative**
15 **Council for review and approval.**

16 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 15th Day**
17 **of NOVEMBER, 2011 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0-**
18 **AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
19 **Section 1 (b) of Article VI of the Constitution of the Tohono O'odham Nation, adopted by the Tohono**
20 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
21 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
22 **Stat. 984).**

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24 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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28 **Timothy Joaquin, Legislative Chairman**

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30 29 day of November, 2011

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32 **ATTEST:**

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35 **Evonne Wilson, Legislative Secretary**

36 29 day of November, 2011
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1 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham
2 Nation on the 28 day of November, 2011 at 4:03 o'clock, p.M.,
3 pursuant to the provisions of Section 4 of Article VII of the Constitution and will become effective
4 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
5 submittal.

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7 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**


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11 **Timothy Joaquin, Legislative Chairman**

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16 **APPROVED**

on the 29 day of November, 2011


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18 **DISAPPROVED**

at 4:10 o'clock, p.M.

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21 **NED NORRIS, JR., CHAIRMAN**
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23 **TOHONO O'ODHAM NATION**

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28 Returned to the Legislative Secretary on the 30 day of

29 November, 2011, at 10:48 o'clock, a.M.

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34 **Evonne Wilson, Legislative Secretary**

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ACTION: AUTHORIZING THE PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT TO PREPARE THE ARTICLES OF INCORPORATION FOR A FEDERALLY CHARTERED CORPORATION UNDER SECTION 17 OF THE INDIAN REORGANIZATION ACT, 25 U.S.C. § 477

MOVED: COUNCILWOMAN EVELYN JUAN MANUEL

SECOND: COUNCILWOMAN FRANCES CONDE

DATE: NOVEMBER 15, 2011

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 (<i>Absent</i>) (Sara Mae Williams)(<i>Present</i>)	151.10	X			
	2. BILLMAN LOPEZ ()	151.10	X			X
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN (Rose Johnson Antone)	122.45	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45	X			X
GU VO 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X			
	2. PAMELA ANGHILL (Angela Ortiz)	113.35	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 ()	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 ()	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X			
SCHUK TOAK 169.8	1. FRANCES B. CONDE ()	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
SELLS 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85	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]