

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Purchase and Sale Agreement for Long Term Storage Credits Between
the Tohono O'odham Nation and the Central Arizona Water Conservation District)**

RESOLUTION NO. 20-119

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with**
2 **the power "to consult, negotiate and conclude agreements and contracts on**
3 **behalf of the Tohono O'odham Nation with Federal, State and local governments**
4 **and other Indian tribes or their departments, agencies or political subdivisions,**
5 **or with private persons or organizations on all matters within the authority of the**
6 **Tohono O'odham Council." (Constitution of the Tohono O'odham Nation, Article**
7 **VI, Section 1 (f)); and**

8 **WHEREAS, the Legislative Council is further vested with the power to "[e]nter into**
9 **agreements, compacts or other contracts for the beneficial use, sale, or lease or**
10 **distribution" of "all waters that originate in or flow in, into or through the Tohono**
11 **O'odham Nation." (Constitution of the Tohono O'odham Nation, Article XVII,**
12 **Section 1 and Section 2(b)); and**

13 **WHEREAS, by Resolution No. 19-372 the Tohono O'odham Council approved Long Term-**
14 **Storage Credit Marketing Plan that authorized Headwaters Consulting to market**
15 **long term storage credits held by the Nation; and**

16 **WHEREAS, Headwaters Consulting has negotiated a Purchase and Sale Agreement for Long**
17 **Term Storage Credits Between the Tohono O'odham Nation and the Central**
18 **Arizona Water Conservation District; and**

19 **WHEREAS, the Professional Service Agreement with Headwaters Consulting provides that a**
20 **Transaction Success Fee be paid out of the gross proceeds of the sales transaction;**
21 **and**

22 **WHEREAS, the Water Resources Committee has reviewed the Purchase and Sale Agreement**
23 **for Long Term Storage Credits Between the Tohono O'odham Nation and the**
24 **Central Arizona Water Conservation District and recommends its approval.**

25 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
26 **Purchase and Sale Agreement for Long Term Storage Credits Between the Tohono**
27 **O'odham Nation and the Central Arizona Water Conservation District in**
28 **substantially the form attached hereto, and authorizes the Chairman of the**
29 **Nation to execute it.**

30 **BE IT FURTHER RESOLVED that the funds generated by this sale will be added to the Water**
31 **Revenues Account established by Resolution No. 14-525.**

32 **BE IT FINALLY RESOLVED that the funds needed to pay Headwaters Consulting's Transaction**
33 **Success Fee shall come from the Water Revenues Account established by**
34 **Resolution No. 14-525.**

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 28TH day of APRIL, 2020 at a meeting at which a quorum was present with a vote of 2,628.6 FOR; -0- AGAINST; 547.1[03] NOT VOTING; and -0- ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(f) and Article XVII, Section 1 and Section 2(b) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; 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 C. Yoaquin
Timothy Joaquin, Legislative Chairman
1 day of May, 2020

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary
1 day of May, 2020

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 1 day of May, 2020 at 3:49 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.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy C. Yoaquin
Timothy Joaquin, Legislative Chairman

APPROVED

on the 05 day of May, 2020

DISAPPROVED

at 10:35 o'clock, A.M.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

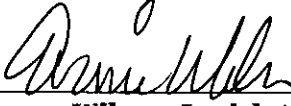
RESOLUTION NO. 20-119

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1 **Returned to the Legislative Secretary on the 5 day of**

2 May, 2020, at 12:58 o'clock, p.m.

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7 **Evonne Wilson, Legislative Secretary**

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ACTION: APPROVING A PURCHASE AND SALE AGREEMENT FOR LONG TERM STORAGE CREDITS BETWEEN THE TOHONO O'ODHAM NATION AND THE CENTRAL ARIZONA WATER CONSERVATION DISTRICT

Moved: COUNCILWOMAN LUCINDA ALLEN

SECOND: COUNCILWOMAN TERESA F. DOANHUE

DATE: APRIL 28, 2020

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 384.8	1. LEANDER MASE (Francine Schooling)	192.40	X			
	2. ALBERTA J. RAY (Frances G. Antone)	192.40	X			
CHUKUT KUK 347.5	1. VIVIAN JUAN-SAUNDERS (Juanita Homer)	173.75	X			
	2. MARLAKAY HENRY (Billman Lopez)	173.75	X			
GUACHI 279.3	1. VICTORIA HOBBS ()	139.65	X			
	2. TIMOTHY L. JOAQUIN (Louis L. Johnson)	139.65	X			
GU VO 264.5	1. DALLAS LEWIS (Nacho Flores)	132.25	X			
	2. GRACE MANUEL ()	132.25	X			
HICKIWAN 213.8	1. SANDRA D. ORTEGA ()	106.90	X			
	2. LOUIS R. LOPEZ (Delma M. Garcia)	106.90	X			
PISINEMO 230.7	1. MONICA K. MORGAN ()	115.35	X			
	2. MARIETTA MARTIN ()	115.35	X			
SAN LUCY 235.6	1. GLORIA RAMIREZ ()	117.80	X			
	2. JANA MONTANA (Lorraine M. Eiler)	117.80	X			
SAN XAVIER 238.9	1. JANICE FELIX (Adam Andrews)	119.45	X			
	2. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	119.45			X	
SCHUK TOAK 189.0	1. QUINTIN C. LOPEZ (Agnes V. Joaquin)	94.50	X			
	2. TERESA F. DONAHUE (Alberta Espinoza)	94.50	X			
SELLS 547.1	1. EVELYN JUAN MANUEL ()	273.55			X	
	2. ARTHUR WILSON ()	273.55			X	
SIF OIDAK 244.5	1. LUCINDA ALLEN (Yolonda Garcia)	122.25	X			
	2. MARY LOPEZ (Ann M. Garcia)	122.25	X			
TOTAL		3,175.7	2,628.6	-0-	547.1	-0-
					[03]	