

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving the Utility Alignment Recordation Procedures for Tohono O'odham  
Utility Authority Projects)**

**RESOLUTION NO. 17-032**

1 **WHEREAS,** the Tohono O'odham Legislative Council is authorized "to manage, protect,  
2 preserve and regulate the use of property...of the Tohono O'odham Nation" and  
3 "to manage...or otherwise deal with lands, or interests in land" belonging to the  
4 Nation (Constitution of the Tohono O'odham Nation, Article VI, Section 1(i)(2)  
5 and Section 2(d)); and

6 **WHEREAS,** by Resolution No. 08-70 the Papago Tribe (now called the Tohono O'odham  
7 Nation ("Nation")) established the Papago Tribal Utility Authority (now called the  
8 Tohono O'odham Utility Authority ("TOUA")), to be an enterprise wholly owned  
9 by the Nation, for the purposes of constructing, maintaining and operating  
10 various utility systems within the Nation; and

11 **WHEREAS,** by Resolution 15-088 the Legislative Council recognized a Process for  
12 Recordation of TOUA's Utility Corridors on the Nation's Lands-IHS Projects  
13 ("Utility Alignment Procedures") which TOUA and the Nation's Realty Office  
14 agreed to use for the purpose of addressing documentation and recordation  
15 issues that arose with TOUA's utility projects; and

16 **WHEREAS,** the Bureau of Indian Affairs ("BIA") promulgated amended regulations at 25 CFR  
17 Part 169 Rights-of-Way Over Indian Land, which provide, in part, that an  
18 independent legal entity that is wholly owned and operated by a tribe that owns  
19 100 percent of the trust or restricted interests in land does not need to obtain a  
20 BIA right-of-way but instead such tribe shall pass a resolution authorizing  
21 access to the entity, without BIA approval, including a legal description, and  
22 shall submit both documents to the BIA for its records (25 CFR § 169.004); and

23 **WHEREAS,** because TOUA is wholly owned and operated by the Nation, which owns 100  
24 percent of the trust or restricted interests in its lands, TOUA does not need to  
25 obtain a BIA right-of-way for its utility corridors or alignments under 25 CFR  
26 Part 169; and

27 **WHEREAS,** it is in the Nation's best interest that TOUA still adhere to utility alignment  
28 procedures to allow for the review, approval, and recordation of TOUA's utility  
29 corridors or alignments; and

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1 **WHEREAS, the Utility Alignment Procedures agreed to by TOUA and the Nation's Realty**  
2 **Office expired on April 1, 2016; and**

3 **WHEREAS, the Nation's Realty Office, in consultation with TOUA and the Indian Health**  
4 **Service, developed the Utility Alignment Recordation Procedures for Tohono**  
5 **O'odham Utility Authority Projects located on the Nation, which is incorporated**  
6 **by this reference; and**

7 **WHEREAS, the Agricultural and Natural Resources Committee has reviewed the Utility**  
8 **Alignment Recordation Procedures for Tohono O'odham Utility Authority**  
9 **Projects and recommend its approval.**

10 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves**  
11 **the Utility Alignment Recordation Procedures for Tohono O'odham Utility**  
12 **Authority Projects and directs TOUA to comply with the Procedures.**

13 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the Utility**  
14 **Alignment Recordation Procedures for Tohono O'odham Utility Authority**  
15 **Projects may be amended with the written approval of the Nation's chairperson**  
16 **and the written concurrence of the Agricultural and Natural Resources**  
17 **Committee chairperson.**

18 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 17<sup>TH</sup>**  
19 **day of JANUARY, 2017 at a meeting at which a quorum was present with a vote of 3,021.4 FOR;**  
20 **-0- AGAINST; -0- NOT VOTING; and [06] ABSENT, pursuant to the powers vested in the Council by**  
21 **Article VI, Section 1(i)(2) and Section 2(d), and Article XVI, Section 1 of the Constitution of the**  
22 **Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and**  
23 **approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6,**  
24 **1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).**

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27 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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32 **Timothy Joaquin, Legislative Chairman**

33 18 day of January, 2017  
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1 **ATTEST:**

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4 **Evonne Wilson, Legislative Secretary**

5  
6 18 day of January, 2017  
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8 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**  
9 **O'odham Nation on the 18 day of January, 2017 at 1:27 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.**

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15 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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18 **Timothy Joaquin, Legislative Chairman**  
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24  **APPROVED**

on the 18 day of January, 2017

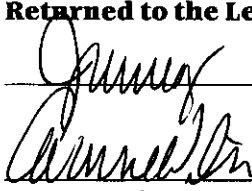
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26  **DISAPPROVED**

at 9:55 o'clock, P .m.

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30 **EDWARD D. MANUEL, CHAIRMAN**  
31 **TOHONO O'ODHAM NATION**  
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36 **Returned to the Legislative Secretary on the 19 day of**

37 January, 2017, at 10:58 o'clock, A .m.

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41 **Evonne Wilson, Legislative Secretary**  
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**ACTION: APPROVING THE UTILITY ALIGNMENT RECORDATION PROCEDURES FOR TOHONO O'ODHAM UTILITY AUTHORITY PROJECTS**

**MOVED: COUNCILMAN DANIEL L.A. PRESTON III**

**SECOND: COUNCILMAN BILLMAN LOPEZ**

**DATE: JANUARY 17, 2017**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (Roberta E. Harvey)	183.60	X			
	2. VERNON J. SMITH <i>(Absent)</i> (Gloria Zazueta) <i>(Present)</i>	183.60	X			
CHUKUT KUK 332.1	1. ETHEL GARCIA (Marlakay K. Henry)	166.05	X			
	2. BILLMAN LOPEZ (Patricia Vicenti)	166.05	X			
GU ACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50	X			
	2. LORETTA LEWIS ( )	132.50	X			X
GU VO 250.6	1. GRACE MANUEL (Dallas Lewis)	125.30	X			
	2. PAMELA ANGHILL <i>(Absent)</i> (Jeffery Antone, Sr.) <i>(Present)</i>	125.30	X			X
HICKIWAN 205.8	1. LOUIS R. LOPEZ (Shirley Molina)	102.90	X			X
	2. SANDRA ORTEGA ( )	102.90	X			
PISINEMO 219.9	1. CHESTER ANTONE <i>(Absent)</i> (Caroline D. Garcia) <i>(Present)</i>	109.95	X			
	2. MONICA K. MORGAN ( )	109.95	X			X
SAN LUCY 226.5	1. DIANA MANUEL (Lorraine Eiler)	113.25	X			
	2. JANA MONTANA (Gloria Ramirez)	113.25	X			
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III (Felicia Nunez)	114.3	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.3	X			X
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. (Mario J.B. Juan)	90.3	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.3	X			X
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75	X			
	2. BARBARA HAVIER (Idaleen Reyes)	256.75	X			
SIF OIDAK 231.6	1. LUCINDA ALLEN ( )	115.80	X			
	2. MARY LOPEZ ( )	115.80	X			
<b>TOTAL</b>		<b>3,021.4</b>	<b>3,021.4</b>	<b>-0-</b>	<b>-0-</b>	<b>[06]</b>