

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Introduction of 2002 SAWRSA Amendments, Subject to Conditions)

RESOLUTION NO. 02-366

- 1 **WHEREAS, pursuant to Resolution 02-232, the Tohono O'odham Legislative Council approved**
2 **introduction in the United States Congress of the April 30, 2002 draft of the Southern**
3 **Arizona Water Rights Settlement Amendments Act of 2002 (the "2002 Amendments")**
4 **as Title III to the Arizona Water Settlements Act (the "Arizona Act"); and**
- 5 **WHEREAS, Resolution 02-232 further provided that reintroduction of the 2002 Amendments in**
6 **2003 was subject to prior approval by the Legislative Council of the various**
7 **agreements and documents referred to therein; and**
- 8 **WHEREAS, during the period from May 2002 to date, numerous comments and questions have**
9 **been raised by parties to Title I (Central Arizona Project Settlement) and Title II (Gila**
10 **River Indian Community Water Rights Settlement) which required substantial**
11 **revisions to the April 30 draft of the 2002 Amendments; and**
- 12 **WHEREAS, the SAWRSA Task Force and other major SAWRSA parties have prepared responses**
13 **and proposed revisions to the 2002 Amendments designed to address such comments**
14 **and questions; and**
- 15 **WHEREAS, the interests of the Tohono O'odham Nation, the San Xavier District, the Schuk Toak**
16 **District and the Sif Oidak District are affected by certain provisions of Title I, Title II**
17 **and related agreements which have been the subject of written comments and**
18 **concerns expressed by the SAWRSA Task Force and the major SAWRSA negotiating**
19 **parties; and**
- 20 **WHEREAS, the continuous modifications to the 2002 Amendments have made it impossible to**
21 **present a final draft of the Amendments and related agreements and documents to**
22 **the Legislative Council for review and approval; and**
- 23 **WHEREAS, Senator Kyl has stated that the Arizona Act will likely be introduced in early**
24 **September 2002 assuming no major issues are then outstanding; and**
- 25 **WHEREAS, the Arizona Act will only be pending before Congress until the anticipated**
26 **adjournment of this session in October 2002; and**
- 27 **WHEREAS, the Arizona Act is expected to be reintroduced in the Congressional session beginning**
28 **in 2003, with such modifications as may be negotiated by the Nation and other parties**
29 **to the Arizona Act; and**

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1 **WHEREAS, absent approval of the Legislative Council to introduce the revised version of the 2002**
2 **Amendments, the 2002 Amendments will not be introduced as part of the Arizona Act**
3 **and the ability of the Nation to protect its interests and the interests of the affected**
4 **Districts will be substantially diminished; and**

5 **WHEREAS, it is in the best interests of the Nation and affected Districts for the Legislative Council**
6 **to (1) delegate authority to the SAWRSA Task Force and the Water Resources**
7 **Committee to continue negotiations and (2) approve the introduction of the revised**
8 **2002 Amendments, subject to the conditions set forth below.**

9 **NOW, THEREFORE, BE IT RESOLVED THAT:**

- 10 **1. The Tohono O'odham Legislative Council hereby authorizes the introduction of**
11 **the 2002 Amendments in this session of the United States Congress, as negotiated**
12 **and revised in accordance with the joint agreement of the Water Resources**
13 **Committee and the SAWRSA Task Force; provided that reintroduction in 2003 of**
14 **the Amendments, as well as the various agreements and documents referred to**
15 **therein, shall be subject to the prior approval of the Legislative Council.**
- 16 **2. The Chairman of the Nation is authorized to deliver the revised 2002 Amendments**
17 **to Senator Kyl for introduction in the 2002 session of the United States Congress.**

18 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 29TH. Day**
19 **of AUGUST, 2002 at a meeting at which a quorum was present with a vote of 1,249.5 FOR; 862.45**
20 **AGAINST; 305.55 NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
21 **Section 2 of Article XVII of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**
22 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
23 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
24 **Stat. 984).**

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26 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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29 **Rita A. Martinez, Legislative Chairwoman**

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31 30th day of August, 20 02

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33 **ATTEST:**

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36 **Julianna Saraficio, Acting Legislative Secretary**

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38 29 day of August, 20 02.

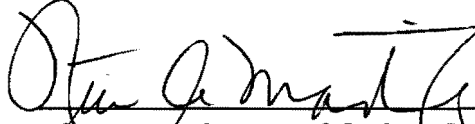
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1 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham
2 Nation on the 30th day of August, 20 02 at 3:55 o'clock, P.M.,
3 pursuant to the provisions of Section 5 of Article VII of the Constitution and will 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 **Rita A. Martinez, Legislative Chairwoman**

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16 **APPROVED**

on the 4th day of September, 20 02

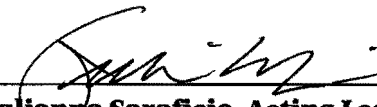
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18 **DISAPPROVED**

at 3:12 o'clock, P.M.

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22 **EDWARD D. MANUEL, Chairman**
23 **TOHONO O'ODHAM NATION**

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28 **Returned to the Legislative Secretary on the 04th day of**

29 September, 20 02, at 3:27 o'clock, P.M.

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34 **Julianna Saraficio, Acting Legislative Secretary**

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ACTION: APPROVING INTRODUCTION OF 2002 SAWRSA AMENDMENTS, SUBJECT TO CONDITIONS

MOVED: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILMAN DENNIS RAMON

DATE: AUGUST 29, 2002

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 317.7	1. FRANCES MIGUEL ()	158.85	X			
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			
CHUKUT KUK 248.1	1. KENNETH WILLIAMS (Juanita Homer)	124.05			X	
	2. DAVID GARCIA (Mary Audrey Juan)	124.05		X		
GU ACHI 230.7	1. CAMILLUS LOPEZ ()	115.35	X			
	2. ALEX J. RAMON (Jerome Joaquin)	115.35	X			X
GU VO 188.3	1. FERN SALCIDO ()	94.15		X		
	2. EMILIO LEWIS (Michael Flores)	94.15			X	
HICKIWAN 167.3	1. SHIRLEY MOLINA ()	83.65	X			
	2. SANDRA ORTEGA ()	83.65		X		
PISINEMO 174.7	1. BARBARA SALVICIO (Alex Antone)	87.35	X			
	2. PATRICIA CRUZ (Johnson Jose)	87.35			X	
SAN LUCY 160.7	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35	X			
	2. GLORIA RAMIREZ ()	80.35	X			
SAN XAVIER 184.7	1. FELICIA NUÑEZ ()	92.35	X			
	2. DENNIS RAMON ()	92.35	X			
SCHUK TOAK 144.5	1. MARY FLORES ()	72.25		X		X
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25		X		
SELLS 416.1	1. DENNIS E. JOSE ()	208.05		X		
	2. EVELYN JUAN ()	208.05		X		
SIF OIDAK 184.7	1. ISIDRO LOPEZ ()	92.35	X			
	2. RITA MARTINEZ (Nicholas Jose)	92.35	X			X
TOTAL		2,417.5	1,249.5	862.45	305.55	[03]

**PASSED VOTES