

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Amendment No. 11 to Subcontract with Natural Resources Consulting
Engineers)**

RESOLUTION NO. 02-586

1 **WHEREAS, effective August 30, 1991, the Tohono O'odham Nation (the "Nation") and Natural**
2 **Resources Consulting Engineers ("NRCE") entered into a Subcontract pursuant to a**
3 **contract between the Nation and the United States under the Indian Self-**
4 **Determination and Education Assistance Act ("ISDEA"), 25 U.S.C. §§ 450 et seq. (the**
5 **"638 Contract"); and**

6 **WHEREAS, the 638 Contract, subsequent 638 Contracts and renewals thereof have provided**
7 **funding for expenditure under the Subcontract for fees and costs related to NRCE's**
8 **preparation of an analysis which quantifies the Nation's water rights and assesses the**
9 **damages to such rights within the Sif Oidak District and portions of the Gu Achi,**
10 **Schuk Toak and Hickiwan Districts (the "Assessment"); and**

11 **WHEREAS, certain requirements of the 638 Contract were incorporated in the Subcontract and**
12 **have been modified or deleted by subsequent amendments to the ISDEA and**
13 **regulations thereunder; and**

14 **WHEREAS, the proposed Amendment No. 11 to the Subcontract (attached hereto) would amend**
15 **and restate the Subcontract to affirmatively apply the ISDEA (as amended) and the**
16 **ISDEA regulations (as amended); modify the immediate oversight responsibility for**
17 **NRCE's work; modify the procedure for approving and recommending payment of**
18 **NRCE billing statements; incorporate an affirmative obligation on the part of NRCE**
19 **to coordinate work with departments and programs of the Nation involved in**
20 **collection of water, soil or other data relevant to the Assessment; prescribe a**
21 **Subcontract term which is equivalent to the term of the 638 Contract, subsequent 638**
22 **Contracts and renewals thereof; and delete Exhibit B to the Subcontract (budget and**
23 **periodic amendment of term), recognizing that the budget requires separate**
24 **approval of the Legislative Council; and**

25 **WHEREAS, the Water Resources and Budget & Finance Committees recommend approval of this**
26 **Resolution by the Legislative Council.**

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

- 28 **1. The Tohono O'odham Legislative Council hereby approves Amendment No. 11 to**
29 **the NRCE Subcontract, in the form attached hereto.**

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1 2. The Chairman of the Nation is authorized and directed to execute Amendment No.
2 11 to the NRCE Subcontract.

3 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 03RD. Day
4 of DECEMBER, 2002 at a meeting at which a quorum was present with a vote of 2,417.5 FOR; -0-
5 AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by
6 Section 1 (d)(2), (3) & (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted
7 by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
8 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
9 18, 1934 (48 Stat. 984).

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11 TOHONO O'ODHAM LEGISLATIVE COUNCIL

12 
13 _____
14 Rita A. Martinez, Legislative Chairwoman

15 09th day of December, 20 02

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18 ATTEST:

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20 _____
21 Julianna Saraficio, Acting Legislative Secretary

22 04th day of December, 20 02.

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25 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham
26 Nation on the 09th day of December, 20 02 at 4:57 o'clock, P .M.,
27 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
28 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
29 submittal.

30
31 TOHONO O'ODHAM LEGISLATIVE COUNCIL

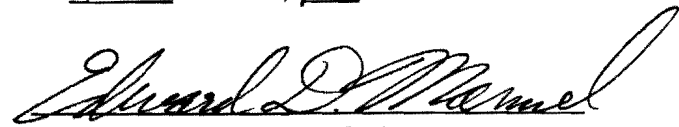
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33 _____
34 Rita A. Martinez, Legislative Chairwoman

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39 APPROVED

on the 9th day of December, 20 02

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41 DISAPPROVED

at 5:28 o'clock, P .M.

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45 EDWARD D. MANUEL, Chairman
46 TOHONO O'ODHAM NATION
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Returned to the Legislative Secretary on the 10 day of

December, 2002, at 9:14 o'clock, A.M.

Juliana Saraficio for
Juliana Saraficio, Acting Legislative Secretary

ACTION: APPROVING AMENDMENT NO. 11 TO SUBCONTRACT WITH NATURAL RESOURCES CONSULTING ENGINEERS

MOVED: COUNCILMAN ISIDRO LOPEZ

SECOND: VICE CHAIRMAN CAMILLUS LOPEZ

DATE: DECEMBER 03, 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			X
GU ACHI 230.7	1. CAMILLUS LOPEZ ()	115.35	X			
	2. JEROME JOAQUIN ()	115.35	X			X
GU VO 188.3	1. FERN SALCIDO ()	94.15	X			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			
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25	X			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			
TOTAL		2,417.5	2,417.5	-0-	-0-	[04]

**PASSED VOTES