

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Tohono O'odham Utility Authority Sells 12" & 8" Water Main Construction
Right-of-Way, Sells District, Tohono O'odham Nation)

RESOLUTION NO. 04-034

1 **WHEREAS, by Resolution No. 08-70 the Nation established the Papago Tribal Utility Authority,**
2 **now known as the Tohono O'odham Utility Authority (TOUA) for purposes of**
3 **constructing, maintaining and operating various utility systems within the Nation to**
4 **be owned wholly by the Nation; and**

5 **WHEREAS, the Tohono O'odham Legislative Council did pass Resolution No. 447-90 (Amending**
6 **the Restated Plan of Operation of the Tohono O'odham Utility Authority) and**
7 **Resolution No. 91-175 (Adopting Second Restated Plan of Operation for the Tohono**
8 **O'odham Utility Authority) which requires the Authority to submit for prior review**
9 **and approval of the Legislative Council and each affected District any proposed utility**
10 **easement; and**

11 **WHEREAS, TOUA requests permission for a Right-of-Way to construct the Sells 12" & 8" Water**
12 **Main Construction Project and related facilities to serve the community of Sells, Sells**
13 **District, Tohono O'odham Nation; and**

14 **WHEREAS, TOUA has respectfully submitted all documents and pertinent information (attached**
15 **hereto and incorporated herein by reference) for uses consistent with the authorized**
16 **purposes of TOUA; and**

17 **WHEREAS, the Sells 12" & 8" Water Main Construction Project and related facilities will be of**
18 **substantial benefit to the Sells Community, Sells District, the Tohono O'odham**
19 **Nation and their respective members; and**

20 **WHEREAS, the Sells Community and Sells District Council supports the Right-of-Way request as**
21 **stated in Resolution No. SC-03-04 and SD-04-04 respectively; and**

22 **WHEREAS, the Natural Resources Committee did review the requested Right-of-Way on 26**
23 **January 2004 and by consensus does recommend further approval thereof by the**
24 **Tohono O'odham Legislative Council.**

25 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council does hereby**
26 **approve the Right-of-Way as requested by TOUA for the Sells 12" & 8" Water Main**
27 **Construction Project and related facilities in the location (as more fully described in**
28 **the attached Layout Sheet & Legal Description) and construction by TOUA or its**
29 **designated subsidiaries for uses consistent with the authorized purposes of TOUA.**

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10TH Day of FEBRUARY, 2004 at a meeting at which a quorum was present with a vote of 2,629.7 FOR; -0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Section 1 (c)(2) & (1)(2) Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and 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

[Signature]

Dennis Ramon, Legislative Chairman

17th day of February, 2004

ATTEST:

[Signature]

Vivian Hedrington, Legislative Secretary

10th day of February, 2004.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 17th day of February, 2004 at 4:34 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

[Signature]

Dennis Ramon, Legislative Chairman

APPROVED

on the 19 day of February, 2004

DISAPPROVED

at 11:42 o'clock, a.M.

[Signature]

VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 19th day of

February, 2004, at 12:53 o'clock, P.M.

Vivian Hedrington
Vivian Hedrington, Legislative Secretary

ACTION: APPROVING TOHONO O'ODHAM UTILITY AUTHORITY SELLS 12" & 8" WATER MAIN CONSTRUCTION RIGHT-OF-WAY, SELLS DISTRICT, TOHONO O'ODHAM NATION

MOVED: COUNCILMAN DENNIS JOSE

SECOND: COUNCILWOMAN EVELYN JUAN

DATE: FEBRUARY 10, 2004

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 192.6	1. ISIDRO LOPEZ (Nicholas Jose)	96.30	X			
	2. DARLENE ANDREW (Rita Martinez)	96.30	X			
SELLS 465.6	1. DENNIS E. JOSE ()	232.80	X			
	2. EVELYN JUAN ()	232.80	X			
SCHUK TOAK 176.1	1. FRANCES B. CONDE ()	88.05	X			
	2. PHYLLIS JUAN ()	88.05	X			
SAN XAVIER 215.4	1. FELICIA NUÑEZ (Absent) (Olivia Liston)(Present)	107.70	X			
	2. DENNIS RAMON (Eleanor Hunter)	107.70	X			
SAN LUCY 166.3	1. JOHN W. LAWSON, SR. ()	83.15	X			X
	2. GLORIA RAMIREZ ()	83.15	X			
PISINEMO 175.4	1. BARBARA SALVICIO ()	87.70	X			
	2. PATRICIA CRUZ ()	87.70	X			
HICKIWAN 170.3	1. DELMA GARCIA (Mary E. Sam)	85.15	X			
	2. SANDRA ORTEGA ()	85.15	X			
GU VO 191.4	1. RAYMOND VICTOR ()	95.70	X			
	2. MICHAEL FLORES (Willard Manuel)	95.70	X			
GU ACHI 253.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
	2. JEROME JOAQUIN(Absent) (Roberta Picard)(Present)	126.80	X			
CHUKUT KUK 258.9	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X			
	2. VERLON M. JOSE (David Garcia)	129.45	X			
BABOQUIVARI 364.1	1. FRANCES MIGUEL (Lucilda Norris-Valenzuela)	182.05	X			
	2. FRANCES G. ANTONE ()	182.05	X			
TOTAL		2,629.7	2,629.7	-0-	-0-	[01]

**PASSED VOTES