### **RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL** (Approving One-time Distribution of El Paso Natural Gas Pipeline Revenues to Hickiwan District and Sif Oidak District)

### **RESOLUTION NO. 04-156**

1	WHEREAS,	the Bureau of Indian Affairs ("BIA") issued a Grant of Easement for Rights-of-Way
	WHEREAS,	
2		("Right-of-Way") to El Paso Natural Gas Company ("El Paso") on October 17, 1977 for
3		a term of 20 years, which provided that the payment of \$140,800.00 would be paid 50%
4		to the Papago Tribe and 50% to the two districts involved, dividing the district share
5		59.2% to Sif Oidak District and 40.8% to Hickiwan District; and
6	WHEREAS,	at the midpoint of the 20 year term, in accordance with the terms of the Right-of-Way,
7		the parties reviewed the consumer price index and El Paso added an additional
8		\$95,000 payment for the Right-of-Way (the "extra payment"); and
9	WHEREAS,	the Tohono O'odham Legislative Council in Resolution No. 09-89 initially voted to
10		distribute the extra payment 50% to the Tohono O'odham Nation ("Nation") and 50%
11		to the two districts, in accordance with the formula in the Right-of-Way document,
12		but one month later rescinded Resolution No. 09-89 and voted in Resolution No. 35-89
13		to distribute 100% of the extra payment to the two districts; and
14	WHEREAS,	in 1997 the term of the Right-of-Way document expired, and a replacement document
15		has not yet been put in place; and
16	WHEREAS,	despite no document being in place, El Paso made a good faith payment in July 1998
17		to the BIA of \$168,675.04, which amount was placed by the BIA in an interest bearing
18		account and by February 27, 2004 had increased to \$210,572.08 (principal plus
19		interest); and
20	WHEREAS,	the two districts feel entitled to split 100% of the 1998 payment (with interest), based
21		on the Legislative Council decision to forego the Nation's share when it approved
22		payout of the extra payment in Resolution No. 35-89 in February 1989; and
23	WHEREAS,	in 2001 the two districts negotiated a new split of the revenues coming from the Right-
24		of-Way, such that 55% (instead of 59.2%) would go to Sif Oidak District and 45%
25		(instead of 40.8%) would go to Hickiwan District, but the district resolutions
26		approving this new split did not specify whether the new formula applied to 50% of
27		the revenue or 100% of the revenue; and

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1	WHEREAS, 1	the Legislative Council has not previously decided how the 1998 payment should be
2		distributed; and
3	WHEREAS, 1	the Natural Resources Committee has reviewed the matter and recommends that
4	-	100% of the 1998 payment, with the interest that has accumulated in the BIA account,
5	5	should be distributed to the two districts in accordance with the 55/45 formula
6		agreed upon by the two districts, with the understanding that the plan for
7		distribution of revenues in the new right-of-way document will be presented to the
8	]	Legislative Council in the future for decision.
9	NOW, THER	EFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council
10		agrees to distribute 100% of the 1998 payment of \$168,675, plus interest accumulated
11	j	in the BIA account, to Hickiwan District and Sif Oidak District, 55% to Sif Oidak
12	]	District and 45% to Hickiwan District, as a one time payment, provided that both
13		districts submit approved budgets to this Council.
14	BE IT FINALL	YRESOLVED that the plan for distribution of revenues in the new right-of-way
15		document will be presented to the Legislative Council in the future for decision.
16	The foregoin	g Resolution was passed by the Tohono O'odham Legislative Council on the $15^{TH}$ . Day
17		<u>04 at a meeting at which a quorum was present with a vote of 1,694.7</u> FOR; <u>764.15</u>
18		0.85 NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by
19		of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the
20 21		dham Nation on January 18, 1986; and approved by the Acting Deputy Assistant adian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
$\frac{21}{22}$	18, 1934 (48 S	
23		
24		TOHONO O'ODHAM LEGISLATIVE COUNCIL
25		$(\mathcal{A})$
26		A Jun M Hennin
27		for Isidro Lopez, Legislative Chairman
28		4
29		day of Aut 2004
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31	ATTEST:	
32	Junii.	1 State
33	Swine	
34	Lucille Lope	z, Acting Legislative Secretary
35	1-4-	April
36	<u>_/_</u> day of	<u>April</u> , 2004.
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1       Said Resolution was submitted for approval to the office of the Chairwoman         2       O'Odham Nation on the day of, 2004 at         3      M., pursuant to the provisions of Section 5 of Article VII of the Constitution at effective upon her approval or upon her failure to either approve or disapprove it woof submittal.         6       TOHONO O'ODHAM LEGISLATIVE COUNCE         8       TOHONO O'ODHAM LEGISLATIVE COUNCE         9       Dulue M. Docume         10       Dulue M. Docume         11       Dulue M. Docume         12       Dulue M. Docume         13       O'APPROVED         14       I DISAPPROVED         15       I DISAPPROVED         16       TOIL DISAPPROVED         17       I DISAPPROVED         20       District State Chairwoman         21       District State Chairwoman	54 o'clock, nd will become within 48 hours
2       O'Odham Nation on the day of, 2004 at         3      M., pursuant to the provisions of Section 5 of Article VII of the Constitution at effective upon her approval or upon her failure to either approve or disapprove it works of submittal.         6       TOHONO O'ODHAM LEGISLATIVE COUNCE         8       O'Luca M. Counce         9       O'Luca M. Counce         10       O'Luca M. Counce         11       O'Luca M. Counce         12       On the day of, 2004         13       I         14       I         15       I         16       On the day of, 2004         17       I         18       July M. Approved         20       at	54 o'clock, nd will become within 48 hours
<ul> <li>3M., pursuant to the provisions of Section 5 of Article VII of the Constitution at effective upon her approval or upon her failure to either approve or disapprove it of submittal.</li> <li>6 TOHONO O'ODHAM LEGISLATIVE COUNCING</li> <li>9 0 0 10 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0</li></ul>	nd will become within 48 hours
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7       TOHONO O'ODHAM LEGISLATIVE COUNCE         8       9         9       Image: Counce of the second of the secon	
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21 w vivian juan-saunders, Chairwoman	
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26 27 Returned to the Legislative Secretary on the <u>2014</u> day of	
27 Returned to the Legislative Secretary on the difference day of	
27 Returned to the Legislative Secretary on the <u>Allee</u> day of 28 29 <u>April</u> , 2004, at <u>9:49</u> o'clock, <u>#</u> .M. 30 31 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1	
29 <u></u>	
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31 32 Juni John	
33 Lucille Lopez, Acting Legislative Secretary	
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# ACTION: APPROVING ONE-TIME DISTRIBUTION OF EL PASO NATURAL GAS PIPELINE REVENUE TO HICKIWAN DISTRICT AND SIF OIDAK DISTRICT

### MOVED: COUNCILMAN MICHAEL FLORES

## SECOND: COUNCILWOMAN SANDRA ORTEGA

DATE: APRIL 15, 2004

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENI
SIF OIDAK 192.6	<ol> <li>ISIDRO LOPEZ         <ul> <li>(Nicholas Jose)</li> </ul> </li> <li>DARLENE ANDREW</li> </ol>	96.30	x			
27210	(Rita Martinez)	96.30	x			
SELLS	1. DENNIS E. JOSE	232.80		x		x
465.6	2. EVELYN JUAN	232.80		x		
SCHUK TOAK	1. FRANCES B. CONDE	88.05	x			x
176.1	() 2. PHYLLIS JUAN ())	88.05	x			
SAN XAVIER	1. FELICIA NUÑEZ **	107.70		x		
215.4	(Olivia Liston) 2. DENNIS RAMON (Eleanor Hunter)	107.70		x		
SAN LUCY	1. JOHN W. LAWSON, SR.	83.15			x	
166.3	( ) 2. GLORIA RAMIREZ ( )	83.15		x		
PISINEMO	1. BARBARA SALVICIO	87.70	x			
175.4	( ) 2. PATRICIA CRUZ ( )	87.70			х	
HICKIWAN	1. DELMA GARCIA	85.15	x			
170.3	(Mary E. Sam) 2. SANDRA ORTEGA ( )	85.15	x			
GU VO	1. RAYMOND VICTOR	95.70	x			x
191.4	2. MICHAEL FLORES (Willard Manuel)	95.70	X			
GU ACHI	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	x			
253.6	2. JEROME JOAQUIN (Roberta Picard)	126.80	x			
CHUKUT KUK	1. KENNETH WILLIAMS	129.45	X			
258.9	(Juanita Homer) 2. VERLON M. JOSE ** (David Garcia)	129.45	x			
BABOQUIVARI	1. FRANCES MIGUEL	182.05	x			
364.1	(Lucilda Norris-Valenzuela) 2. FRANCES G. ANTONE ()	182.05	х			x
	TOTAL	2,629.7	1,694.7	764.15	170.85	[04]

**\*\*PASSED VOTES**