

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**
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12 **but one month later rescinded Resolution No. 09-89 and voted in Resolution No. 35-89**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**

RESOLUTION NO. 04-156

(Approving One-time Distribution of El Paso Natural Gas Pipeline Revenues to Hickiwan District and Sif Oidak District)

Page 2 of 3

1 **WHEREAS, the Legislative Council has not previously decided how the 1998 payment should be**
2 **distributed; and**

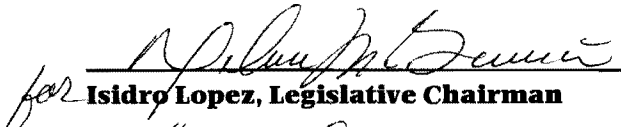
3 **WHEREAS, the Natural Resources Committee has reviewed the matter and recommends that**
4 **100% of the 1998 payment, with the interest that has accumulated in the BIA account,**
5 **should be distributed to the two districts in accordance with the 55/45 formula**
6 **agreed upon by the two districts, 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, THEREFORE, 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 **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 FINALLY RESOLVED 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 foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 15TH. Day**
17 **of APRIL, 2004 at a meeting at which a quorum was present with a vote of 1,694.7 FOR; 764.15**
18 **AGAINST; 170.85 NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by**
19 **Section 1 (d) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the**
20 **Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
21 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
22 **18, 1934 (48 Stat. 984).**

23
24 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

25
26 *for* 
27 **Isidro Lopez, Legislative Chairman**
28
29 10th day of April, 2004
30

31 **ATTEST:**

32 
33
34 **Lucille Lopez, Acting Legislative Secretary**

35
36 15th day of April, 2004.
37

RESOLUTION NO. 04-156

(Approving One-time Distribution of El Paso Natural Gas Pipeline Revenues to Hickywan District and Sif Oidak District)

Page 3 of 3

1 Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono
2 O'Odham Nation on the 16th day of April, 2004 at 5:54 o'clock,
3 P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
4 effective upon her approval or upon her failure to either approve or disapprove it within 48 hours
5 of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

6
7
8
9
10 for Isidro Lopez, Legislative Chairman

11
12
13
14
15 APPROVED

on the 16th day of April, 2004

16
17 DISAPPROVED

at 6:42 o'clock, P.M.

18
19
20
21 for Vivian Juan-Saunders, Chairwoman
22 TOHONO O'ODHAM NATION

23
24
25
26
27 Returned to the Legislative Secretary on the 20th day of

28
29 April, 2004, at 9:49 o'clock, A.M.

30
31
32 Lucille Lopez
33 Lucille Lopez, Acting Legislative Secretary

34
35
36
37
38
39
40
41
42
43
44

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	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		X
	2. EVELYN JUAN ()	232.80		X		
SCHUK TOAK 176.1	1. FRANCES B. CONDE ()	88.05	X			X
	2. PHYLLIS JUAN ()	88.05	X			
SAN XAVIER 215.4	1. FELICIA NUÑEZ ** (Olivia Liston)	107.70		X		
	2. DENNIS RAMON (Eleanor Hunter)	107.70		X		
SAN LUCY 166.3	1. JOHN W. LAWSON, SR. ()	83.15			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			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 (Roberta Picard)	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			X
TOTAL		2,629.7	1,694.7	764.15	170.85	[04]

**PASSED VOTES