

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Lease and Memorandum of Understanding for a Border Patrol
and Tohono O'odham Police Department Joint Facility)

RESOLUTION NO. 04-198

1 **WHEREAS, the Tohono O'odham Police Department ("TOPD") has determined that there is a**
2 **need for a police substation in Chukut Kuk District near the International Boundary**
3 **with Mexico to respond to and deter criminal activity in the southern portion of**
4 **Tohono O'odham Nation ("Nation") lands; and**

5 **WHEREAS, the Tucson Sector of the Border Patrol, under the Customs and Border Protection**
6 **bureau ("CBP") of the United States Department of Homeland Security, has expressed**
7 **a need for a Remote Processing Facility to more efficiently implement CBP law**
8 **enforcement duties related to border security between ports of entry on the**
9 **International Boundary; and**

10 **WHEREAS, TOPD and CBP, in consultation with Chukut Kuk District and New Fields community,**
11 **have designed a modular building to be placed on an approximately two-acre site**
12 **near milepost 2 on federal Route 19 to serve as a TOPD police substation and CBP**
13 **remote processing facility, to be paid for and owned by the United States and jointly**
14 **operated as a Joint Facility; and**

15 **WHEREAS, the Nation and CBP have negotiated a Lease Agreement and a Memorandum of**
16 **Understanding, each for a 10 year term with an option to renew for 5 years on terms**
17 **no less favorable to CBP than agreed to in the current Lease Agreement and**
18 **Memorandum of Agreement, to accomplish the purposes of the two law enforcement**
19 **agencies; and**

20 **WHEREAS, in consideration of the benefits that the Nation will obtain in joint use of the facility**
21 **for TOPD, Chukut Kuk District and New Fields community, the Nation has agreed to**
22 **a rental payment of one dollar (\$1) per year and has agreed to waive its right to an**
23 **appraisal and to receive fair market rental for the land; and**

24 **WHEREAS, the Domestic Affairs Committee and the Natural Resources Committee have reviewed**
25 **the Lease Agreement and Memorandum of Understanding and recommend approval**
26 **by the Legislative Council; and**

27 **WHEREAS, the Nation previously endorsed and supported this proposal in Resolution No. 02-238,**
28 **and Chukut Kuk District has approved the proposal in Chukut Kuk District Council**
29 **Resolution No. 2002-21.**

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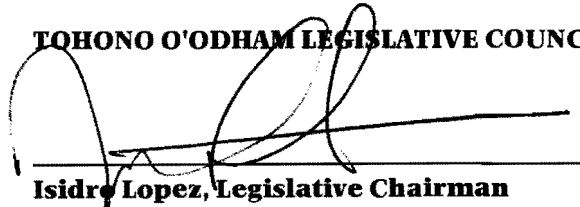
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1 NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the
2 Lease Agreement and Memorandum of Understanding substantially in the form
3 attached hereto, subject to editing by the Office of Attorney General to make the lease
4 rental requirements conform to this resolution, and authorizes the Chairwoman of
5 the Nation to execute each document and any further documents reasonably
6 necessary to implement the project.

7 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07TH Day
8 of MAY, 2004 at a meeting at which a quorum was present with a vote of 2,629.7 FOR; -0- AGAINST;
9 -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Section 1 (f)&(i)
10 of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham
11 Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs
12 (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

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15 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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19 Isidro Lopez, Legislative Chairman

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21 10th day of May, 2004

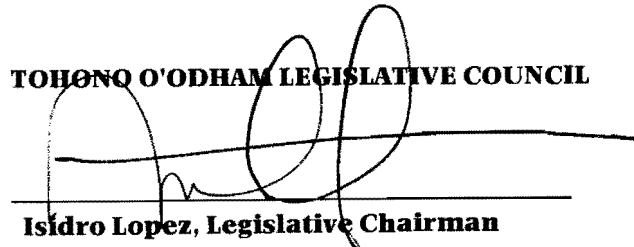
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24 ATTEST:

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28 Lucille Lopez, Acting Legislative Secretary

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30 07 day of May, 2004.

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32 Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono
33 O'Odham Nation on the 10th day of May, 2004 at 4:00 o'clock,
34 P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
35 effective upon her approval or upon her failure to either approve or disapprove it within 48 hours
36 of submittal.

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38 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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42 Isidro Lopez, Legislative Chairman

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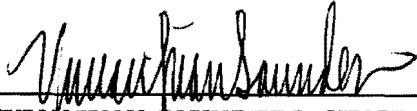
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APPROVED

on the 11 day of May, 2004

DISAPPROVED

at 10:42 o'clock, a.M.



**VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 11 day of

May, 2004, at 3:01 o'clock, P.M.



Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING A LEASE AND MEMORANDUM OF UNDERSTANDING FOR A BORDER PATROL AND TOHONO O'ODHAM POLICE DEPARTMENT JOINT FACILITY

MOVED: COUNCILWOMAN FRANCES ANTONE

SECOND: COUNCILMAN VERLON JOSE

DATE: MAY 07, 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(Absent) (Rita Martinez)(Present)	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 (Olivia Villegas-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			X
GU VO 191.4	1. RAYMOND VICTOR ()	95.70	X			
	2. MICHAEL FLORES (Willard Manuel)	95.70	X			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			
TOTAL		2,629.7	2,629.7	-0-	-0-	[02]

****PASSED VOTES**