RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL

(Approving Tohono O'odham Utility Authority San Xavier Community Water Storage Tank System Right-of-Way, San Xavier District, Tohono O'odham Nation)

RESOLUTION NO. 04-665

-	TV HELIALDIKS,	by Mesonation No. 05-70 the Nation established the Lapago Hilbar Chility Authority,
2		${\bf nowknownasTohonoO'odhamUtilityAuthority(TOUA)} for purposesof constructing,$
3		maintaining and operating various utility systems within the Nation to be owned
4		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 San Xavier Community
12		Water Storage Tank System and related facilities to serve the San Xavier Community,
13		San Xavier District, Tohono O'odham Nation; and
14	WHEREAS,	the Indian Health Service will fund a second larger water tower next to the existing
15		water storage tank on Black Mountain and the Tohono O'odham Utility Authority will and the Tohono O'odham Utility Authority Auth
16		oversee the operation and maintenance of the water storage facility; and
17	WHEREAS,	the Tohono O'odham Utility Authority is requesting a 132' x 172' parcel of land which
18		will encompass both the existing and new water storage tanks; and
19	WHEREAS,	the second water storage tank will hold 522,000 gallons of water, will be 56 feet in
20		diameter and 28 feet in height; and
21	WHEREAS,	the Indian Health Service has conducted and obtained all Environmental clearances
22	!	to include cultural, archaeology and endangered species; and
23	WHEREAS,	TOUA has respectfully submitted all documents and pertinent information in the
24		form of Right-of-Way Plan TU-97-245 and Legal Description (attached hereto and
25		incorporated herein by reference) for uses consistent with the authorized purposes
26		of TOUA; and
27	WHEREAS,	the San Xavier Community Water Storage Tanks System and related facilities will be
28		of substantial benefit to the San Xavier District, Tohono O'odham Nation and their

		N NO. <u>04–665</u> Tohono O'odham Utility Authority San Xavier Community Water Storage Tank System Right I Xavier District, Tohono O'odham Nation)
1		respective members; and
2	WHEREAS,	the San Xavier District Council did approve the requested Right-of-Way on 09
3		December 2003 by enacting Resolution No. SXDC 12-03-06; and
4	WHEREAS,	the Natural Resources Committee reviewed the requested Right-of-Way on 15
5		November 2004 and by consensus does recommend approval thereof by the Tohono
6		O'odham Legislative Council.
7	NOW THER	EFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council does hereby
8	NOW, IHER	
		approve the Right-of-Way as requested by TOUA for the San Xavier Community Water
9		Storage Tank System and related facilities in the location (as more fully described in
10		the attached Right-of-Way Plan TU 97-245 and legal description) and construction by
11		TOUA or its designated subsidiaries for uses consistent with the authorized purposes consistent with authorized purpose consistent with authorized purpose consistent with authorized purpose consistent with authorized purpose consistent consistent with authorized purpose consistent consiste
12		of TOUA.
13 14 15 16 17 18 19	of <u>DECEMB</u> AGAINST; <u>-(</u> Section 1 (i) O'Odham N	ng Resolution was passed by the Tohono O'odham Legislative Council on the <u>06TH.</u> Day <u>ER, 2004</u> at a meeting at which a quorum was present with a vote of <u>2,629.7</u> FOR; <u>-0-</u> 0-10 NOT VOTING; and <u>[02]</u> ABSENT, pursuant to the powers vested in the Council by of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono ation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - irs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48)
20 21		TOHONO O'ODHAM LEGISLATIVE COUNCIL
22		
23 24		Isidro Lopez, Legislative Chairman
25		_ :
26		13th day of December, 2004
27 28		
29	ATTEST:	
30		$\mathcal{A}_{\mathcal{A}}$
31		John John John John John John John John
32	_	ez, Acting Legislative Secretary
33	17H	r Dunkon, 2004.
34	day o	1 <u> </u>
35 36	Said Pasal	ition was submitted for approval to the office of the Chairwoman of the Tohono
37		vation on the 13th day of <u>December</u> , 2004 at 8:50 o'clock,
38		rsuant to the provisions of Section 5 of Article VII of the Constitution and will become
39		on her approval or upon her failure to either approve or disapprove it within 48 hours
40	of submitta	

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	(Approving Tohono O'odham Utility Authority San Xavier Community Water Storage Tank System Right
	of-Way, San Xavier District, Tohono O'odham Nation)
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1	TOHONO O'ODHAM LEGISLATIVE COUNCIL
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3	1 WITH
4	Isidro Lopez, Legislative Chairman
5	isiaro hopez, negisiative chan man
6	
7	. .
8	[] APPROVED on the 14 day of Ocember, 2004
9	on the 17 day of Seconose , 2004
10	[] DISAPPROVED at 11:46 o'clock, AMM.
11	at 11. 70 o clock, RITAM.
12	Viniau fransamders
	Mulau man Saunder
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14	VIVIAN JUAN SAUNDERS, CHAIRWOMAN
15	TOHONO O'ODHAM NATION
16	
17	
18	Returned to the Legislative Secretary on the day of
19	Returned to the Legislative Secretary on the // day of
20	7.11
21	DWM/m, 2004, at 13:17 o'clock, / .M.
22	
23	Guire de 1
24	Samu Surjey
25	Lucille Lopez, Acting Legislative Secretary
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ACTION: APPROVING TOHONO O'ODHAM UTILITY AUTHORITY SAN XAVIER COMMUNITY WATER STORAGE

TANK SYSTEM RIGHT-OF-WAY, SAN XAVIER DISTRICT, TOHONO O'ODHAM NATION

MOVED: COUNCILMAN DENNIS RAMON

SECOND: COUNCILMAN VERLON JOSE

DATE: DECEMBER 06, 2004

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 192.6	1. ISIDRO LOPEZ (Nicholas Jose) 2. DARLENE ANDREW	96.30 96.30	x x			
	(Rita Martinez)	90.30				
SELLS 465.6	1. DENNIS E. JOSE ()	232.80	X			
102.0	2. EVELYN JUAN ()	232.80	X			
SCHUK TOAK	1. FRANCES B. CONDE	88.05	X			
176.1	2. PHYLLIS JUAN	88.05	X			
SAN XAVIER	1. FELICIA NUÑEZ (Absent)	107.70	X			
215.4	(Olivia Liston-Villegas) (Present) 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	X			Х
HICKIWAN	1. DELMA GARCIA (Mary E. Sam)	85.15	X			
170.3	2. SANDRA ORTEGA	85.15	X			
GU VO	1. RAYMOND VICTOR	95.70	X			
191.4	2. MICHAEL FLORES (Willard Manuel)	95.70	X			X
GU ACHI	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
253.6	2. JEROME JOAQUIN(Absent) (Roberta Picard) (Present)	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	X			
	TOTAL	2,629.7	2,629.7	-0-	-0-	[02]