

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Amending Resolution No. 01-033 [Approving of a Grant of Rights-of-Way for Roads  
and Utilities in Miguel Community, Chukut Kuk District and Two Hills Area, San Xavier  
District to the Tohono O'odham Ki:Ki Association], to Grant Rights-of-Way to  
Tohono O'odham Utility Authority)**

**RESOLUTION NO. 06-232**

1 **WHEREAS, by Resolution No. 08-70 the Nation established the Papago Tribal Utility Authority, now**  
2 **known as Tohono O'odham Utility Authority (TOUA) for purposes of 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. 91-175 (Adopting**  
6 **Second Restated Plan of Operation for the Tohono O'odham Utility Authority) which**  
7 **requires the Authority to submit for prior review and approval of the Legislative**  
8 **Council and each affected District any proposed utility easement; and**

9 **WHEREAS, TOUA requests permission for a Right-of-Way for a Sewer Main Extension and related**  
10 **facilities to accommodate the San Xavier Community Two Hills HIP Site, San Xavier**  
11 **District, Tohono O'odham Nation; and**

12 **WHEREAS, the Sewer Main Extension Right-of-Way consists of Parcel "A" which is 1,218.32 feet in**  
13 **length x 50 feet in width which encompasses 1.40 acres more or less; and**

14 **WHEREAS, the information regarding the proposed single phase underground electric utility is**  
15 **820 feet x 20 feet which encompasses 0.376 acres more or less; and**

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

19 **WHEREAS, the Tohono O'odham Legislative Council enacted Resolution No. 01-033 (Approving of**  
20 **a Grant of Rights-of-Way for Roads and Utilities in Miguel Community, Chukut Kuk**  
21 **District and Two Hills Area, San Xavier District to the Tohono O'odham Ki:Ki**  
22 **Association) on January 12, 2001; and**

23 **WHEREAS, the Tohono O'odham Utility Authority and Indian Health Service were not involved in**  
24 **the bid-process, award or construction of the utility infrastructure for Tohono**  
25 **O'odham Ki:Ki Association Project No. AZ 26-33 constructed in Miguel Community,**  
26 **Chukut Kuk District and Two Hills Area, San Xavier District, Tohono O'odham Nation;**  
27 **and**

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1 **WHEREAS, the Tohono O'odham Utility Authority continually operates and maintains utility**  
2 **facilities within the Rights-of-Way Granted to the Tohono O'odham Ki:Ki Association**  
3 **referenced in TOLC Resolution No. 01-033; and**

4 **WHEREAS, it is in the best interest of all entities involved to amend Tohono O'odham Legislative**  
5 **Council Resolution No. 01-033 and designate and Grant the referenced utility Rights-**  
6 **of-Way to TOUA; and**

7 **WHEREAS, the TOUA San Xavier Community Sewer Main Extension Right-of-Way and related**  
8 **facilities will be of substantial benefit to the San Xavier Community, San Xavier**  
9 **District, the Tohono O'odham Nation and their respective members; and**

10 **WHEREAS, the San Xavier District's Housing Committee & Planning Committee did review and**  
11 **approve the requested Right-of-Way on February 22, 2006; and**

12 **WHEREAS, the San Xavier District Council approved the requested Right-of-Way by enacting**  
13 **Resolution No. SXDC 03-06-06; and**

14 **WHEREAS, the Natural Resources Committee did review the requested Right-of-Way on March 13,**  
15 **2006 and March 27, 2006 and by consensus recommends approval thereof by the**  
16 **Tohono O'odham Legislative Council.**

17 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby amends**  
18 **Tohono O'odham Legislative Council Resolution No. 01-033 to:**

19 **1. Grant Rights-of-Way solely for utility corridors for the Miguel Community and Two**  
20 **Hills Area housing projects as identified in Tohono O'odham Legislative Council**  
21 **Resolution No. 01-033 and its exhibits to the Tohono O'odham Utility Authority,**  
22 **effective retroactive to January 17, 2001; and**

23 **2. Terminate any Grant of Rights-of-Way to the Tohono O'odham Ki:Ki Association**  
24 **for utility corridors.**

25 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 3<sup>RD</sup> day**  
26 **of APRIL, 2006 at a meeting at which a quorum was present with a vote of 2,440.80 FOR; -0-**  
27 **AGAINST; -0- NOT VOTING; and [-0-] ABSENT, pursuant to the powers vested in the Council by**  
28 **Section 1(c)(2) and (i)(2) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted**  
29 **by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**  
30 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**  
31 **18, 1934 (48 Stat. 984).**


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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**


  
Evelyn B. Juan Manuel, Legislative Chairwoman  
11<sup>th</sup> day of April, 2006

**ATTEST:**

  
Lucille Lopez, Acting Legislative Secretary  
03 day of April, 2006.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 11<sup>th</sup> day of April, 2006 at 1:09 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**

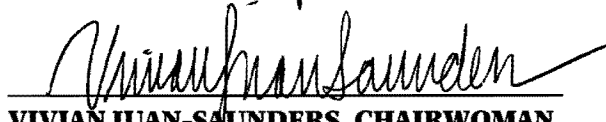
  
Evelyn B. Juan Manuel, Legislative Chairwoman

APPROVED

on the 11 day of April, 2006

DISAPPROVED

at 2:10 o'clock, P.M.

  
VIVIAN JUAN-SAUNDERS, CHAIRWOMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 11 day of

April, 2006, at 3:20 o'clock, P.M.

  
Lucille Lopez, Acting Legislative Secretary

**ACTION:** AMENDING RESOLUTION NO. 01-033 [APPROVING OF A GRANT OF RIGHTS-OF-WAY FOR ROADS AND UTILITIES IN MIGUEL COMMUNITY, CHUKUT KUK DISTRICT AND TWO HILLS AREA, SAN XAVIER DISTRICT TO THE TOHONO O'ODHAM KI:KI ASSOCIATION], TO GRANT RIGHTS-OF-WAY TO TOHONO O'ODHAM UTILITY AUTHORITY

**MOVED:** COUNCILWOMAN FELICIA NUNEZ

**SECOND:** COUNCILWOMAN OLIVIA VILLEGAS-LISTON

**DATE:** APRIL 04, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> 310.8	1. FRANCES MIGUEL ( <i>Absent</i> ) (Vernon J. Smith) ( <i>Present</i> )	155.40	X			
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			
<b>CHUKUT KUK</b> 258.7	1. ETHEL GARCIA ( )	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
<b>GU ACHI</b> 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
<b>GU VO</b> 193.1	1. RAYMOND VICTOR ( )	96.55	X			
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			
<b>HICKIWAN</b> 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70	X			
	2. SANDRA ORTEGA ( )	83.70	X			
<b>PISINEMO</b> 171.8	1. BARBARA SALVICIO ( )	85.90	X			
	2. GERALD FAYUANT ( )	85.90	X			
<b>SAN LUCY</b> 169.0	1. JOHN W. LAWSON, SR. ( )	84.50	X			
	2. GLORIA RAMIREZ ( )	84.50	X			
<b>SAN XAVIER</b> 193.8	1. FELICIA NUÑEZ ( )	96.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90	X			
<b>SCHUK TOAK</b> 146.9	1. FRANCES B. CONDE ( )	73.45	X			
	2. PHYLLIS JUAN ( )	73.45	X			
<b>SELLS</b> 421.0	1. MARLENE SARAFICIO-JUAN ( )	210.50	X			
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50	X			
<b>SIF OIDAK</b> 186.7	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW ( <i>Absent</i> ) (Rita Martinez) ( <i>Present</i> )	93.35	X			
<b>TOTAL</b>		<b>2,440.80</b>	<b>2,440.80</b>	<b>-0-</b>	<b>-0-</b>	<b>[-0-]</b>

\*\*PASSED VOTES