

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Closure Plan for Coleman Road)

RESOLUTION NO. 06-559

1 **WHEREAS, the residents of the off-reservation housing development known as Hayhook Ranch**
2 **have for many years been trespassing on the Tohono O'odham Nation's land by**
3 **using a one-mile portion of Coleman Road for access to Hayhook Ranch from State**
4 **Route 86; and**

5 **WHEREAS, by Resolution No. 2000-097 the Tohono O'odham Legislative Council authorized the**
6 **Office of Attorney General to initiate litigation to address the trespass occurring on**
7 **Coleman Road; and**

8 **WHEREAS, a case entitled "Tohono O'odham Nation v. Ledbetter, et al," Case No. 03-VC-9343**
9 **was filed in the Tohono O'odham Judicial Court; and**

10 **WHEREAS, in June 2003 the Tohono O'odham Nation stipulated with sixteen "Cooperating**
11 **Defendants" to allow an open extension of time for the Cooperating Defendants to**
12 **file their Answers to the Complaint in the Ledbetter case; and**

13 **WHEREAS, by letter dated June 9, 2003, the Hayhook Ranch Property Owners Response**
14 **Committee provided to the Nation a proposed timeline for the Cooperating**
15 **Defendants to resolve the trespass by working with Pima County to construct an**
16 **alternate access route to Hayhook Ranch around the exterior boundary of the**
17 **Nation, which timeline culminated in completion of construction of the alternate**
18 **access route by August 2006; and**

19 **WHEREAS, by letter dated February 25, 2004, the Nation agreed to the timeline provided by the**
20 **Hayhook Ranch Property Owners Response Committee for construction of an**
21 **alternate access route, and stated that "Accordingly, you are hereby notified that**
22 **the Nation will close Coleman Road at the Reservation boundary on September 1,**
23 **2006"; and**

24 **WHEREAS, on March 23, 2005, the Tohono O'odham Judicial Court issued an Order for Partial**
25 **Summary Judgment and Permanent Injunction, in which the Court found that the**
26 **defendants in the lawsuit are trespassing on the Nation's lands by their continued**
27 **use of Coleman Road, and issued a permanent injunction against thirteen**
28 **"Remaining Defendants," or Non-Cooperating Defendants, permanently enjoining**
29 **them from further use of Coleman Road; and**

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1 **WHEREAS,** as the September 1, 2006 deadline approached, the Hayhook Ranch property
2 owners, now organized as the Hayhook Ranch Road Improvement District, and
3 Pima County, realized that the alternate access road would not be completed, and
4 that sufficient funds would not be available, and so by letters dated March 15, 2006
5 and May 23, 2006, the Hayhook Ranch Road Improvement District requested an
6 indefinite extension of time to complete the road; and

7 **WHEREAS,** by letters dated July 21, 2006, July 26, 2006, and August 7, 2006, Pima County
8 Administrator C.H. Huckelberry provided updates to the Nation regarding progress
9 in preparing to construct the alternate access road, and asked the Nation not to
10 close Coleman Road on September 1, 2006, but to allow an additional fourteen
11 months after September 1, 2006 for completion of the alternate access road; and

12 **WHEREAS,** Schuk Toak District has for many years taken the position that Coleman Road
13 should be closed as soon as possible, and in a regular District Council meeting on
14 June 28, 2006, after receiving a report from Chairwoman Vivian Juan-Saunders, the
15 Schuk Toak District Council again expressed the desire that Coleman Road be
16 closed as soon as possible, and that the requested extension of time should not be
17 granted; and

18 **WHEREAS,** the Tohono O'odham Legislative Council has received a report from the law firm of
19 Rusing & Lopez and from the Office of Attorney General describing three options for
20 closing Coleman Road, these being (1) to close Coleman Road to all traffic soon after
21 September 1, 2006, after granting the Hayhook Ranch residents 30 days written
22 notice of closure; (2) to first pursue the matter in Tohono O'odham Judicial Court
23 to allow the Cooperating Defendants to answer the Complaint and to request that
24 the Court include the Cooperating Defendants in the permanent injunction, which
25 process has been estimated to require 120 days at a minimum, after which the
26 Nation will close Coleman Road to all traffic; and (3) to implement both option one
27 and option two at the same time.

28 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council hereby approves
29 the closure of Coleman Road to all traffic soon after September 1, 2006, after
30 granting the Hayhook Ranch residents 30 days written notice of closure.

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 22ND Day of AUGUST, 2006 at a meeting at which a quorum was present with a vote of 1,739.1 FOR; 701.7 AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Section 1 (i)(1) & (2) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

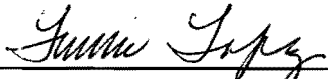
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Evelyn B. Juan Manuel, Legislative Chairwoman

29th day of August, 2006

ATTEST:

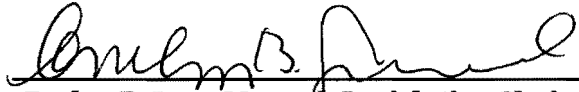


Lucille Lopez, Acting Legislative Secretary

22 day of August, 2006.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 29th day of August, 2006 at 1:54 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



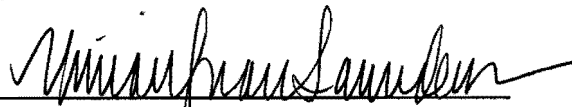
Evelyn B. Juan Manuel, Legislative Chairwoman

APPROVED

on the 30 day of August, 2006

DISAPPROVED

at 10:22 o'clock, a.M.



VIVIAN JUAN-SAUNDERS, CHAIRWOMAN

TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 30 day of

August, 2006, at 11:19 o'clock, A.M.

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING A CLOSURE PLAN FOR COLEMAN ROAD

MOVED: VICE CHAIRMAN VERLON JOSE

SECOND: COUNCILMAN TIMOTHY JOAQUIN

DATE: AUGUST 22, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL (Vernon J. Smith)	155.40		X		
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40		X		
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35		X		
	2. VERLON M. JOSE (David Garcia)	129.35	X			
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
GU VO 193.1	1. RAYMOND VICTOR ()	96.55	X			
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			X
HICKIWAN 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70		X		
	2. SANDRA ORTEGA ()	83.70	X			
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. JOHN W. LAWSON, SR. ()	84.50		X		
	2. GLORIA RAMIREZ ()	84.50	X			
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90	X			
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X			
	2. PHYLLIS JUAN ()	73.45	X			
SELLS 421.0	1. MARLENE SARAFICIO-JUAN** ()	210.50	X			
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50	X			
SIF OIDAK 186.7	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Martinez)	93.35		X		
TOTAL		2,440.80	1,739.1	701.7	-0-	[01]

**PASSED VOTES