

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Recognizing the Bureau of Indian Affairs Failed Performance in Completing the Tohono O'odham Nation's Land into Trust Request and Demand for Immediate Action by the Bureau)

RESOLUTION NO. 07-766

1 **WHEREAS, by Resolution No. 03-218, the Tohono O'odham Legislative Council (the "Legislative**
2 **Council") approved the land acquisition of the Roberts property, which consists of**
3 **approximately 640 acres (the "Property"), by the Tohono O'odham Nation (the**
4 **"Nation") for a Hia-Ced O'odham land base; and**

5 **WHEREAS, by Resolution No. 03-320 , the Legislative Council authorized the Chairperson of the**
6 **Nation to request that the United States Secretary of the Interior approve the**
7 **conveyance of the Property from the Nation to the United States and promptly take the**
8 **Property into trust for the Tohono O'odham Nation; and authorized and directed the**
9 **Chairperson of the Nation to execute any documents reasonably necessary to convey**
10 **the Property to the United States in trust for the Nation; and**

11 **WHEREAS, the Nation, on September 20, 2006, submitted a request, along with the supporting**
12 **materials ("acquisition package"), to the Bureau of Indian Affairs' Papago Agency in**
13 **Sells, Arizona (the "Local Agency"), asking the United States to take the Property into**
14 **trust for the benefit of the Nation; and**

15 **WHEREAS, on November 16, 2007, the Chairman of the Nation, Ned Norris Jr., mailed a letter of**
16 **complaint, attached as an exhibit hereto and incorporated herein by this reference,**
17 **to the Regional Director, the Superintendent of the Local Agency, and the Assistant**
18 **Secretary of Indian Affairs for the Department of the Interior, expressing the Nation's**
19 **extreme disappointment in the Bureau of Indian Affairs ("BIA") delay and poor**
20 **performance with regard to the Nation's acquisition package and requesting**
21 **expediency in completion of the land-into-trust acquisition prior to December 31,**
22 **2007; and**

23 **WHEREAS, the Legislative Council recognizes that the BIA's failure to complete the land-into-**
24 **trust acquisition in a timely manner jeopardized the Nation's chances of putting the**
25 **Property into trust using the administrative process and may now require a**
26 **Congressional act, necessitating the Nation's use of additional resources and financial**
27 **capital.**

28

RESOLUTION NO. 07-766

(Recognizing the Bureau of Indian Affairs Failed Performance in Completing the Tohono O'odham Nation's Land into Trust Request and Demand for Immediate Action by the Bureau)

Page 2 of 3

1 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby:**

- 2 **(1) Supports the Chairman's November 15, 2007 letter of complaint, attached hereto**
3 **as an exhibit, to the BIA;**
- 4 **(2) Demands that the BIA take the Property into trust prior to December 31, 2007 by**
5 **whatever means necessary; and**
- 6 **(3) Demands that if the BIA cannot complete the remaining components needed to**
7 **take the Property into trust prior to December 31, 2007, that the BIA provide an**
8 **alternative that will allow the BIA to take the land into trust in a manner which**
9 **does not violate Section 313 of the Amended Southern Arizona Water Rights**
10 **Settlement Act, which is Title III of the Arizona Water Settlement Act of 2004, P.L.**
11 **108-451.**

12 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07TH. Day**
13 **of DECEMBER, 2007 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0-**
14 **AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
15 **Section 1 (i) & (j) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the**
16 **Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
17 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
18 **18, 1934 (48 Stat. 984).**

19
20 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

21
22
23 
24 **Verlon M. Jose, Legislative Chairman**

25
26 7th day of December, 2007

27
28 **ATTEST:**

29
30 
31
32 **Lucille Lopez, Acting Legislative Secretary**

33
34 07 day of December, 2007.

35
36 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham**
37 **Nation on the 7th day of December, 2007 at 6:10 o'clock, P.M.,**
38 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
39 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
40 **submittal.**

RESOLUTION NO. 07-766

(Recognizing the Bureau of Indian Affairs Failed Performance in Completing the Tohono O'odham Nation's Land into Trust Request and Demand for Immediate Action by the Bureau)

Page 3 of 3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Verlon M. Jose, Legislative Chairman

APPROVED

on the 7th day of December, 2007

DISAPPROVED

at 6:05 o'clock, P.M.


NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 07 day of

December, 2007, at 6:21 o'clock, P.M.


Lucille Lopez, Acting Legislative Secretary

ACTION: RECOGNIZING THE BUREAU OF INDIAN AFFAIRS FAILED PERFORMANCE IN COMPLETING THE TOHONO O'ODHAM NATION'S LAND INTO TRUST REQUEST AND DEMAND FOR IMMEDIATE ACTION BY THE BUREAU

MOVED: COUNCILWOMAN KIMBERLY LISTO

SECOND: COUNCILWOMAN LORRAINE EILER

DATE: DECEMBER 07, 2007

| DISTRICT | LEGISLATIVE REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|------------------------------------|--|----------------|----------------|------------|------------|-------------|
| BABOQUIVARI 316.9 | 1. FRANCES MIGUEL (Roberta Harvey) | 158.45 | X | | | X |
| | 2. FRANCES G. ANTONE (Vernon Smith) | 158.45 | X | | | |
| CHUKUT KUK 264.8 | 1. ETHEL GARCIA () | 132.40 | X | | | |
| | 2. VERLON M. JOSE () | 132.40 | X | | | |
| GU ACHI 227.9 | 1. TIMOTHY L. JOAQUIN (Louis L. Johnson) | 113.95 | X | | | |
| | 2. CYNTHIA E. MANUEL () | 113.95 | X | | | |
| GU VO 199.2 | 1. GRACE MANUEL () | 99.60 | X | | | |
| | 2. MICHAEL FLORES () | 99.60 | X | | | X |
| HICKIWAN 172.0 | 1. MICHELLE ORTEGA () | 86.00 | X | | | X |
| | 2. SANDRA ORTEGA () | 86.00 | X | | | |
| PISINEMO 182.4 | 1. CHESTER ANTONE () | 91.20 | X | | | |
| | 2. GERALD FAYUANT () | 91.20 | X | | | |
| SAN LUCY 181.1 | 1. LORRAINE EILER () | 90.55 | X | | | |
| | 2. GLORIA RAMIREZ () | 90.55 | X | | | |
| SAN XAVIER 196.5 | 1. FELICIA NUÑEZ (Adam P. Andrews) | 98.25 | X | | | |
| | 2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez) | 98.25 | X | | | |
| SCHUK TOAK 154.6 | 1. FRANCES B. CONDE (Frederick Jose) | 77.30 | X | | | |
| | 2. PHYLLIS CACHORA (Agnes Joaquin) | 77.30 | X | | | |
| SELLS 444.7 | 1. KIMBERLY LISTO () | 222.35 | X | | | |
| | 2. EVELYN B. JUAN MANUEL () | 222.35 | X | | | |
| SIF OIDAK 194.4 | 1. WAVALENE ROMERO () | 97.20 | X | | | |
| | 2. MARY LOPEZ () | 97.20 | X | | | |
| TOTAL | | 2,534.5 | 2,534.5 | -0- | -0- | [03] |

****PASSED VOTES**