

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Memorandum of Understanding in Continuance of the Government-to-Government Relationship Between the Tohono O'odham Nation and the 56th Fighter Wing, Luke Air Force Base, Arizona)

RESOLUTION NO. 10-050

1 **WHEREAS, the Tohono O'odham Nation ("Nation") has a long history of relationship with the**
2 **United States Air Force ("Air Force") due to the Air Force's use of the air space over the**
3 **Nation's lands and the Air Force's use of the lands of the Barry M. Goldwater Range**
4 **which are the Nation's aboriginal lands; and**

5 **WHEREAS, the 56th Fighter Wing at Luke Air Force Base is the entity designated by the United**
6 **States Department of Defense to manage and control all use of the air space known as**
7 **the "Sells MOA" (Sells Military Operations Area) and all use of the eastern half of the**
8 **Barry M. Goldwater Range; and**

9 **WHEREAS, it is in the best interests of the Nation and the Air Force, represented by the 56th Fighter**
10 **Wing at Luke Air Force Base, to set forth the relationship between the parties as a**
11 **government-to-government relationship and to specify the manner in which the two**
12 **parties will communicate with each other to resolve any differences and to promote**
13 **any common purposes; and**

14 **WHEREAS, the Nation and the 56th Fighter Wing at Luke Air Force Base entered into a**
15 **Memorandum of Understanding on December 5, 2001 which had a five year term**
16 **ending in December 2006, and which provided for a second five year term upon the**
17 **review and approval of both parties; and**

18 **WHEREAS, the parties have reviewed the Memorandum of Understanding and have made**
19 **substantive and editorial changes, and have agreed to enter into a second**
20 **Memorandum of Understanding with a similar five year term; and**

21 **WHEREAS, one of the changes requires each party to identify and maintain a senior-level position**
22 **which shall serve as the liaison and primary point of contact in this government-to-**
23 **government relationship, and to advise the other party of any changes in this position**
24 **in a timely manner; and**

25 **WHEREAS, the revised Memorandum of Understanding specifies that the 56th Fighter Wing will**
26 **implement noise mitigation procedures for aircraft operating in the Sells MOA and**
27 **investigate reported instances of unusual noise occurrences or other activities from**
28 **military aircraft; and**

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1 **WHEREAS, the revised Memorandum of Understanding specifies that the Nation will support the**
2 **56th Fighter Wing's "Face to the Nation" academic training classes approximately six**
3 **times each year by providing a cultural awareness presentation for newly assigned**
4 **instructor pilots; and**

5 **WHEREAS, the revised Memorandum of Understanding has been reviewed by the Natural**
6 **Resources, Cultural Preservation, and Domestic Affairs Committees, which**
7 **recommend approval by the Legislative Council.**

8 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
9 **"Memorandum of Understanding in Continuance of the Government-to-Government**
10 **Relationship Between the Tohono O'odham Nation and the 56th Fighter Wing, Luke Air**
11 **Force Base, Arizona" substantially in the form attached hereto, and authorizes the**
12 **Chairman of the Nation to execute it on behalf of the Nation.**

13
14 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11TH Day**
15 **of FEBRUARY, 2010 at a meeting at which a quorum was present with a vote of 2,145.90 FOR; -0-**
16 **AGAINST; 449.60 NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by**
17 **Article VI, Section 1 (f) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono**
18 **O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
19 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
20 **Stat. 984).**

21
22 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

23
24 
25 _____
26 **Verlon M. Jose, Legislative Chairman**

27
28 **19 day of February, 2010**

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31
32 **ATTEST:**

33 
34 _____
35 **Evonne Wilson, Legislative Secretary**

36
37 **19 day of February, 2010.**

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39 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham**
40 **Nation on the 19 day of February, 2010 at 4:36 o'clock, P.M.,**
41 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
42 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
43 **submittal.**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Verlon M. Jose, Legislative Chairman

APPROVED

on the 22 day of February, 2010

DISAPPROVED

at 4:09 o'clock, P.M.



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

Returned to the Legislative Secretary on the 22 day of

February, 2010, at 4:15 o'clock, P.M.



Evonne Wilson, Legislative Secretary

ACTION: APPROVING A MEMORANDUM OF UNDERSTANDING IN CONTINUANCE OF THE GOVERNMENT-TO-GOVERNMENT RELATIONSHIP BETWEEN THE TOHONO O'ODHAM NATION AND THE 56TH FIGHTER WING, LUKE AIR FORCE BASE, ARIZONA

MOVED: COUNCILWOMAN CYNTHIA E. MANUEL

SECOND: COUNCILWOMAN ETHEL GARCIA

DATE: FEBRUARY 11, 2010

| DISTRICT | LEGISLATIVE REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|----------------------------|---|-----------------|-----------------|------------|---------------|-------------|
| SIF Oidak 198.7 | 1. WAVALENE ROMERO (Nicholas Jose) | 99.35 | X | | | |
| | 2. MARY LOPEZ () | 99.35 | X | | | X |
| SELLS 449.6 | 1. KIMBERLY LISTO () | 224.80 | | | X | |
| | 2. EVELYN B. JUAN MANUEL () | 224.80 | | | X | |
| SCHUK TOAK 159.0 | 1. FRANCES B. CONDE (Fredrick Jose) | 79.50 | X | | | |
| | 2. LINDA PARLEY (Agnes Joaquin) | 79.50 | X | | | |
| SAN XAVIER 204.7 | 1. FELICIA NUÑEZ () | 102.35 | X | | | |
| | 2. OLIVIA VILLEGAS-LISTON (Eugene Enis) | 102.35 | X | | | |
| SAN LUCY 187.1 | 1. LORRAINE EILER () | 93.55 | X | | | |
| | 2. GLORIA RAMIREZ () | 93.55 | X | | | |
| PISINEMO 184.5 | 1. CHESTER ANTONE (Tony Murrietta) | 92.25 | X | | | |
| | 2. EDWARD MANUEL (Gerald Fayuant) | 92.25 | X | | | |
| HICKIWAN 174.5 | 1. MICHELLE ORTEGA () | 87.25 | X | | | |
| | 2. SANDRA ORTEGA () | 87.25 | X | | | X |
| GU VO 206.3 | 1. GRACE MANUEL () | 103.15 | X | | | |
| | 2. PAMELA ANGHILL (<i>Absent</i>) (Angela Ortiz)(<i>Present</i>) | 103.15 | X | | | |
| GU ACHI 230.1 | 1. TIMOTHY L. JOAQUIN () | 115.05 | X | | | |
| | 2. CYNTHIA E. MANUEL () | 115.05 | X | | | |
| CHUKUT KUK 277.0 | 1. ETHEL GARCIA (Sara Mae Williams) | 138.50 | X | | | |
| | 2. VERLON M. JOSE () | 138.50 | X | | | |
| BABOQIVARI 324.0 | 1. FRANCES MIGUEL (Roberta Harvey) | 162.0 | X | | | |
| | 2. FRANCES G. ANTONE (Vernon Smith) | 162.0 | X | | | |
| TOTAL | | 2,595.50 | 2,145.90 | -0- | 449.60 | [02] |