

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the Transfer of Excess Property, commonly referred to as the Kiewit Property,
from the General Services Administration to the Secretary of the Interior to be Held
in Trust for the Benefit of the Tohono O'odham Nation as part of the
Nation's Reservation)

RESOLUTION NO. 10-142

1 **WHEREAS, Tohono O'odham Nation is a federally recognized Indian Tribe located on the Tohono**
2 **O'odham Reservation (the "Reservation") in the state of Arizona, Pima County; and**
3 **WHEREAS, the United States Bureau of Reclamation ("BOR") holds title to 22.44 acres of land,**
4 **commonly referred to as the Kiewit Property ("the Property"), which is located within**
5 **the exterior boundaries of the Nation's reservation within the San Xavier District; and**
6 **WHEREAS, the Property was purchased by BOR under the authority of the Southern Arizona Water**
7 **Rights Settlement Act (SAWRSA) of 1982, to be used for the protection of areas of the**
8 **Santa Cruz River Bank from erosion; and**
9 **WHEREAS, it was the intent of the BOR to transfer the Property to the Secretary of the Interior,**
10 **Bureau of Indian Affairs to be held in trust for the Nation upon completion of the Santa**
11 **Cruz River Bank Stabilization project; and**
12 **WHEREAS, the BOR advised the General Services Administration ("GSA") that the Property was no**
13 **longer needed for BOR's purposes, that it qualified as property which was in excess to**
14 **the needs of the government, and requested that the Property be transferred to the**
15 **Secretary of Interior, Bureau of Indian Affairs to hold in trust for the benefit of the**
16 **Nation; and**
17 **WHEREAS, Section 523 of the Federal Property and Administration Services Act of 1949 ("FPAS")**
18 **directs the GSA to transfer excess real property located entirely within the boundaries**
19 **of a federally recognized Indian tribe's reservation to the Secretary of the Interior to**
20 **be held in trust for the benefit of the tribe (Federal Property and Administration**
21 **Services Act of 1949, Public Law 93-599, 40 U.S.C § 483(a), as amended by Public Law**
22 **107-217, 40 U.S.C. § 523); and**
23 **WHEREAS, the GSA transferred the Property to the Secretary of the Interior, Bureau of Indian**
24 **Affairs, to be held in trust for the benefit and use of the Nation in accordance with the**
25 **FPSA subject to compliance by the Secretary with the provisions of the National**
26 **Environmental Protection Act of 1969, as amended; and**
27 **WHEREAS, in accordance with Article XVI, Section 9 of the Nation's Constitution it is the policy of**
28 **the Nation to seek the return of lands within or adjacent to the Nation's reservation**
29 **boundaries or which originally were a part of the historic Papagueria; and**

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Page 2 of 3

1 **WHEREAS, The Domestic Affairs, Cultural Preservation and Natural Resources Committees have**
2 **reviewed this request.**

3 **NOW, THEREFORE, BE IT RESOLVED, that the Legislative Council does hereby approve the transfer**
4 **of the excess Property consisting of 22.44 acres of land more or less to the BIA to hold**
5 **in trust for the benefit of the Nation, as part of the Nation's reservation.**

6 **BE IT FURTHER RESOLVED, that the Legislative Council does hereby authorize and direct the**
7 **Chairperson of the Nation to execute any documents reasonably necessary to**
8 **effectuate the above-described transfer into trust, as part of the Nation's reservation,**
9 **on behalf of the Nation.**

10 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 16TH Day**
11 **of APRIL, 2010 at a meeting at which a quorum was present with a vote of 2,595.50 FOR; -0-**
12 **AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Article**
13 **XVI, Section 9 of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham**
14 **Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs**
15 **(Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

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17 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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22 **Verlon M. Jose, Legislative Chairman**

23 22 day of April, 2010

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26 **ATTEST:**

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28 _____
29 **Evonne Wilson, Legislative Secretary**

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31 21 day of April, 2010.

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33 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham**
34 **Nation on the 22 day of April, 2010 at 1:53 o'clock, p.M.,**
35 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
36 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
37 **submittal.**

38
39 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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44 **Verlon M. Jose, Legislative Chairman**

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Page 3 of 3

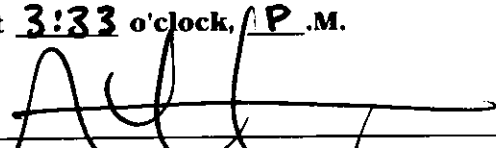
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APPROVED

on the 22 day of APRIL, 2010

DISAPPROVED

at 3:33 o'clock, P.M.



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

Returned to the Legislative Secretary on the 22 day of

April, 2010, at 3:59 o'clock, P.M.



Evonne Wilson, Legislative Secretary

ACTION: APPROVING THE TRANSFER OF EXCESS PROPERTY, COMMONLY REFERRED TO AS THE KIEWIT PROPERTY, FROM THE GENERAL SERVICES ADMINISTRATION TO THE SECRETARY OF THE INTERIOR TO BE HELD IN TRUST FOR THE BENEFIT OF THE TOHONO O'ODHAM NATION AS PART OF THE NATION'S RESERVATION

MOVED: COUNCILMAN TIMOTHY JOAQUIN

SECOND: COUNCILWOMAN ETHEL GARCIA

DATE: APRIL 16, 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			
SELLS 449.6	1. KIMBERLY LISTO ()	224.80	X			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			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			X
	2. SANDRA ORTEGA ()	87.25	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			
BABOQUIVARI 324.0	1. FRANCES MIGUEL (<i>Absent</i>) (Roberta Harvey) (<i>Present</i>)	162.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	162.0	X			
TOTAL		2,595.50	2,595.50	-0-	-0-	[03]