

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Rescinding Resolution No. 10-351 and Approving a Plan to Enter into a P.L. 93-638
Construction Contract for School Bus Route Improvement Projects using Public
Land Highways Discretionary Funds)**

RESOLUTION NO. 10-376

1 **WHEREAS, the Tohono O'odham Nation (the "Nation") is a federally recognized Indian tribe and**
2 **the Tohono O'odham Legislative Council (the "Legislative Council") is the governing**
3 **body of the Nation; and**

4 **WHEREAS, the Nation has been awarded FY 2009 and FY 2010 Public Land Highways Discretionary**
5 **("PLHD") funds for the improvement of bus routes in various tribal communities**
6 **within the Tohono O'odham Nation including in Pisinemo Community, located west**
7 **of Sells, Arizona, and in San Lucy Community, located north of the Town of Gila Bend;**
8 **and**

9 **WHEREAS, the Nation has the capability of entering into a P.L. 93-638 construction contract to**
10 **provide labor, materials, equipment and services necessary to complete road**
11 **improvement/construction projects; and**

12 **WHEREAS, the Nation intends to perform the preconstruction activities (survey, design,**
13 **archeology, environmental, and right-of-way) needed to develop plans, specifications**
14 **and an engineer's estimate ("P, S, & E") for road improvement projects PIR 28 (2) and**
15 **PIR 102 (1) in Pisinemo Community, PIR 400 (1) in San Lucy Community; replace/install**
16 **new road signs and warning signs on school bus routes in other various tribal**
17 **communities under project PIR Consolidated No. 28; and to provide labor, materials,**
18 **equipment and services necessary to complete the construction phase of these**
19 **projects, under a P.L. 93-638 construction contract with the Bureau of Indian Affairs**
20 **("BIA"), using PLHD funds received for these projects; and**

21 **WHEREAS, the Nation desires to have the BIA Western Regional Office Division of Transportation**
22 **perform second level reviews on the P, S, & E documents and construction monitoring**
23 **for these projects using a portion of the Nation's available share of FY 2011-2013**
24 **Indian Reservation Roads ("IRR") construction funds; and**

25 **WHEREAS, the Nation will prepare a contract administration budget and meet with the BIA to**
26 **negotiate a design/construction budget and scope of work for these projects.**

27 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council authorizes the**
28 **use of PLHD funds received and programmed for Projects PIR 28 (2), PIR 102 (1), PIR**
29 **400 (1) and PIR Consolidated No. 28 to develop P S & E documents and to construct**
30 **these projects, and requests the BIA Western Regional Office to take the necessary**

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1 **action to program funds for these projects in the BIA's IRR Transportation**
2 **Improvement Program.**

3 **BE IT FURTHER RESOLVED that the Legislative Council requests the BIA Western Regional Office**
4 **Division of Transportation to program a portion of the Nation's share of FY 2011-FY**
5 **2013 IRR construction funds to perform second level reviews and construction**
6 **monitoring on these projects.**

7 **BE IT FURTHER RESOLVED that the Legislative Council requests the BIA Western Regional Office**
8 **Division of Transportation to take the necessary action to enter into a P.L. 93-638**
9 **construction contract with the Nation for the design and construction of road projects**
10 **PIR 28 (2), PIR 102 (1), PIR 400 (1) and PIR Consolidated No. 28 using FY 2009 and FY**
11 **2010 PLHD funds received for these projects.**

12 **BE IT FURTHER RESOLVED that the Legislative Council approves the submittal of a P.L. 93-638**
13 **construction contract proposal, scope of work, and budget for Road Projects PIR 28**
14 **(2), PIR 102 (1) PIR 400 (1) and PIR Consolidated No. 28.**

15 **BE IT FURTHER RESOLVED that the Legislative Council rescinds Tohono O'odham Legislative**
16 **Council Resolution No. 10-351, which requested that 2009 PLHD funds (\$950,000) be**
17 **placed in the Nation's Master Contract to design and construct road projects PIR 28**
18 **(2), PIR 102 (1), PIR 400 (1).**

19 **BE IT FINALLY RESOLVED that the Legislative Council authorizes the Chairperson of the Nation to**
20 **execute the P.L. 93-638 construction contract for the above-identified projects and**
21 **whatever additional documents are necessary to fulfill the intent of this resolution.**

22 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 15TH Day**
23 **of SEPTEMBER, 2010 at a meeting at which a quorum was present with a vote of 2,436.50 FOR; 159.0**
24 **AGAINST; 0-NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by Article**
25 **VI, Section 1 (f) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham**
26 **Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs**
27 **(Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

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30 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

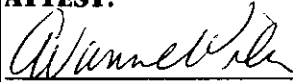
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34 **Verlon M. Jose, Legislative Chairman**

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37 16th day of September, 2010
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1 **ATTEST:**

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4 **Evonne Wilson, Legislative Secretary**

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6 16 day of September, 2010.

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8 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham**
9 **Nation on the 16th day of September, 2010 at 5:03 o'clock, p .M.,**
10 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
11 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
12 **submittal.**

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14 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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

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22 **APPROVED**

on the 17 day of September, 2010

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24 **DISAPPROVED**

at 12:40 o'clock, P .M.

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28 **NED NORRIS, JR., CHAIRMAN**
29 **TOHONO O'ODHAM NATION**

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33 **Returned to the Legislative Secretary on the 17 day of**

34 September, 2010, at 12:40 o'clock, p .M.

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38 **Evonne Wilson, Legislative Secretary**

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ACTION: RESCINDING RESOLUTION NO. 10-351 AND APPROVING A PLAN TO ENTER INTO A P.L. 93-638 CONSTRUCTION CONTRACT FOR SCHOOL BUS ROUTE IMPROVEMENT PROJECTS USING PUBLIC LAND HIGHWAYS DISCRETIONARY FUNDS

MOVED: COUNCILMAN EUGENE ENIS

SECOND: COUNCILWOMAN EVELYN JUAN MANUEL

DATE: SEPTEMBER 15, 2010

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF ODAK 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			
	2. EVELYN B. JUAN MANUEL ()	224.80	X			
SCHUK TOAK 159.0	1. FRANCES B. CONDE (<i>Absent</i>) (Fredrick Jose) (<i>Present</i>)	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 (<i>Absent</i>) (Eugene Enis) (<i>Present</i>)	102.35	X			
SAN LUCY 187.1	1. LORRAINE EILER ()	93.55	X			
	2. GLORIA RAMIREZ ()	93.55	X			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			X
CHUKUT KUK 277.0	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ()	138.50	X			X
BABOQIVARI 324.0	1. FRANCES MIGUEL (<i>Absent</i>) (Roberta Harvey) (<i>Present</i>)	162.0	X			
	2. FRANCES G. ANTONE (<i>Absent</i>) (Vernon Smith) (<i>Present</i>)	162.0	X			X
TOTAL		2,595.50	2,436.50	159.0	-0-	[05]