

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Granting a Right to Utility Alignment to Tohono O'odham Utility Authority for
Jackrabbit Community)**

RESOLUTION NO. 15-088

- 1 **WHEREAS, by Resolution No. 08-70 the Papago Tribe (now called the Tohono O'odham**
2 **Nation ("Nation")) established the Papago Tribal Utility Authority (now called the**
3 **Tohono O'odham Utility Authority ("TOUA")), to be an enterprise wholly owned**
4 **by the Nation, for purposes of constructing, maintaining and operating various**
5 **utility systems with the Nation; and**
- 6 **WHEREAS, by Resolution No. 91-175 the Nation adopted the Second Restated Plan of**
7 **Operation for TOUA which requires TOUA to submit for prior review and**
8 **approval of the Tohono O'odham Legislative Council and the prior written**
9 **consent of each affected district any proposed utility system, line or facility; and**
- 10 **WHEREAS, TOUA requests permission to build and operate a Sanitary Sewer System and**
11 **appurtenances (collectively, "Sanitary Sewer system") on the Nation's land to**
12 **accommodate the Jackrabbit Community in Sif Oidak District; and**
- 13 **WHEREAS, the proposed Sanitary Sewer System consists of Parcels A, B, C and D, as follows**
14 **Parcel A, Drainfield, 1.21 acres more or less;**
15 **Parcel B, Sewerline, 1.09 acres more or less;**
16 **Parcel C, Sewerline, 1.14 acres more or less**
17 **Parcel D, Sewerline, 0.57 acres more or less**
18 **which encompass 4.01 acres more or less, and are more particularly described**
19 **in a legal description attached to this resolution as Attachment A; and**
- 20 **WHEREAS, the Sanitary Sewer System is funded through Indian Health Service and will be**
21 **constructed by TOUA, which will own and operate the Sanitary Sewer System;**
22 **and**
- 23 **WHEREAS, the Sanitary Sewer System and related facilities will be of substantial benefit to**
24 **the Jackrabbit Community and its members; and**
- 25 **WHEREAS, the Jackrabbit Community reviewed and approved the proposed Sanitary Sewer**
26 **System project on September 12, 2013 and recommended approval thereof by**
27 **the Sif Oidak District Council; and**
- 28 **WHEREAS, the Sif Oidak District Council approved the proposed Sanitary Sewer System on**
29 **September 14, 2013 by District Council Resolution No. SODC 13-120; and**

RESOLUTION NO. 15-088

(Granting a Right to Utility Alignment to Tohono O'odham Utility Authority for Jackrabbit Community)

Page 2 of 4

1 **WHEREAS, the Nation's Realty Office, in conjunction with the Nation's Office of Attorney**
2 **General, has developed preliminary procedures entitled Process for**
3 **Recordation of TOUA's Utility Corridors on the Nation's Lands - IHS Projects**
4 **("Utility Alignment Procedures") that would grant TOUA a "utility alignment,"**
5 **which would vast TOUA with the right to construct the Sanitary Sewer System;**
6 **and**

7 **WHEREAS, the Nation's Realty Office, the Nation's Attorney General, Indian Health Service,**
8 **and TOUA have all reviewed the Utility Alignment Procedures and have agreed to**
9 **use the Utility Alignment Procedures, dated April 1, 2015, for a period of one**
10 **year to see if these procedures address some of the documentation and**
11 **recordation issues that have been encountered by the Jackrabbit Project and**
12 **other current TOUA projects; and**

13 **WHEREAS, the Sanitary Sewer System Project area has been reviewed and approved by the**
14 **Nation's Cultural Affairs Office on April 1, 2013 and by the Wildlife and**
15 **Vegetation Management Office on September 9, 2013; and**

16 **WHEREAS, the Agricultural and Natural Resources Committee have reviewed the Sanitary**
17 **Sewer System utility alignment and its supporting documents and scope of work**
18 **and it recommends approval by the Legislative Council.**

19 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council grants to**
20 **TOUA a right to utility alignment for the requested Sanitary Sewer System and**
21 **related facilities for Jackrabbit Community, provided that TOUA will submit to**
22 **the Nation's Realty Office an acceptable Application for Utility Alignment with**
23 **the documentation required by the Application and a survey grade Map of**
24 **Definite Location, prepared in accordance with 25 CFR §169.10 and 25 CFR**
25 **§169.6(d) as these sections may be amended from time to time, certified by a**
26 **registered professional engineer or an Arizona registered land surveyor.**

27 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council hereby grants approval**
28 **of any encroachment permits for this project, including future individual**
29 **services installed on the system, which may be granted by the Bureau of Indian**
30 **Affairs pursuant to federal regulations to allow the utility alignment or service**

RESOLUTION NO. 15-088

(Granting a Right to Utility Alignment to Tohono O'odham Utility Authority for Jackrabbit Community)

Page 3 of 4

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
46
47
48
49
50

lines to individual customers to cross roads constructed by the Bureau of Indian Affairs.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH day of APRIL, 2015 at a meeting at which a quorum was present with a vote of 2,946.5 FOR; -0- AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 2(d) 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

Timothy Joaquin, Legislative Chairman

15 day of April, 2015

ATTEST:

Evonne Wilson, Legislative Secretary

15 day of April, 2015

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 15 day of April, 2015 at 1:09 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin, Legislative Chairman

APPROVED

on the 15 day of April, 2015

DISAPPROVED

at 4:10 o'clock, P.M.

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

RESOLUTION NO. 15-088

(Granting a Right to Utility Alignment to Tohono O'odham Utility Authority for Jackrabbit Community)

Page 4 of 4

1 Returned to the Legislative Secretary on the 16 day of

2 April, 2015, at 9:38 o'clock, A.m.

3
4 Evonne Wilson

5
6
7 **Evonne Wilson, Legislative Secretary**

- 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
- 46
- 47
- 48
- 49
- 50
- 51

ACTION: GRANTING A RIGHT TO UTILITY ALIGNMENT TO TOHONO O'ODHAM UTILITY AUTHORITY FOR JACKRABBIT COMMUNITY

Moved: COUNCILWOMAN MARY LOPEZ

SECOND: COUNCILMAN BILLMAN LOPEZ

DATE: APRIL 08, 2015

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 224.2	1. LUCINDA ALLEN (Nicholas Jose)	112.1	X			
	2. MARY LOPEZ ()	112.1	X			
SELLS 502.0	1. ARTHUR WILSON (Ophelia Patten)	251.0	X			
	2. BARBARA HAVIER (Beverly Rivas)	251.0	X			
SCHUK TOAK 174.2	1. FRANCES B. STEPHENS (Anthony J. Rios)	87.1	X			X
	2. QUINTIN C. LOPEZ (John Fendenheim)	87.1	X			
SAN XAVIER 224.2	1. HILARION CAMPUS (Daniel L.A. Preston, III)	112.1	X			
	2. RACHEAL VILSON-STONER <i>(Absent)</i> (Olivia Villeras-Liston) <i>(Present)</i>	112.1	X			X
SAN LUCY 219.6	1. DIANA MANUEL (Gloria Ramirez)	109.8	X			
	2. JANA MONTANA ()	109.8	X			
PISINEMO 210.6	1. CHESTER ANTONE (Tony Murrietta)	105.3	X			
	2. EDWARD MANUEL, SR. ()	105.3	X			
HICKIWAN 196.9	1. LOUIS R. LOPEZ ()	98.45	X			
	2. SANDRA ORTEGA <i>(Absent)</i> (Manuel Osequeda, Jr.) <i>(Present)</i>	98.45	X			X
HIA CED 19.6	1. PATRICK ANDREWS (Janice E. Paul)	9.8	X			
	2. VIRGINIA GARCIA ()	9.8	X			
GU VO 241.0	1. GRACE MANUEL (Floyd Flores)	120.5	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	120.5	X			
GU ACHI 257.3	1. TIMOTHY L. JOAQUIN ()	128.65	X			
	2. LORETTA LEWIS (Louis Johnson)	128.65	X			
CHUKUT KUK 319.2	1. ETHEL GARCIA (Marlakay C. Henry)	159.6	X			
	2. BILLMAN LOPEZ ()	159.6	X			
BABOQUIVARI 357.7	1. FRANCES MIGUEL (Roberta Harvey)	178.85	X			
	2. VERNON J. SMITH (Gloria Zazueta)	178.85	X			
TOTAL		2,946.5	2,946.5	-0-	-0-	[03]