

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving Encroachment Permit Application by the Tohono O'odham Utility  
Authority for BIA Route 19 at a location within Cold Fields)**

**RESOLUTION NO. 15-254**

1 **WHEREAS, Article XVI, Section 1, of the Constitution of the Tohono O'odham Nation**  
2 **provides that control and management of the lands of the Nation is vested in the**  
3 **Legislative Council; and**

4 **WHEREAS, the Nation has approved the issuance of a right-of-way to the Bureau of Indian**  
5 **Affairs (BIA) for BIA Route 19, which includes that portion of Route 19 that passes**  
6 **through Cold Fields in the Baboquivari District; and**

7 **WHEREAS, Maxine Antone, a member of the Nation, has requested that the Tohono**  
8 **O'odham Utility Authority (TOUA) provide water service to her residence; and**

9 **WHEREAS, in order to provide such service, TOUA will need to cross the BIA right-of-way**  
10 **within Cold Fields at a location 0.34 miles north of mile marker 10; and**

11 **WHEREAS, the BIA will not allow anyone to do any work within a right-of-way issued to the**  
12 **BIA until an encroachment permit has been issued; and**

13 **WHEREAS, the BIA has provided, and TOUA has completed, the attached Encroachment**  
14 **Permit Application; and**

15 **WHEREAS, information which must be submitted with the Encroachment Permit**  
16 **Application includes, among other things, an approved Tribal resolution; and**

17 **WHEREAS, the Encroachment Permit Application, which does not cite to or incorporate any**  
18 **provision of federal law or the Code of Federal Regulations, requires that the**  
19 **resolution expressly state that "the tribe agrees with the work described in the**  
20 **permit request"; and**

21 **WHEREAS, on May 10, 2014, the Baboquivari District approved Resolution No. 2014-B-62,**  
22 **"Approving Land Assignment, all Utility Services & Sanitation Request For**  
23 **Maxine Antone of Cold Fields Community"; and**

24 **WHEREAS, this resolution has been reviewed by the Agricultural and Natural Resources**  
25 **Committee, which recommends approval by the Legislative Council.**

26 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby**  
27 **approves the attached proposed Bureau of Indian Affairs Encroachment Permit**  
28 **Application which is required by the BIA for TOUA to perform work within the**  
29 **right-of-way issued to the BIA for BIA Route 19.**

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**BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council, which is vested by the Nation's Constitution with the authority to manage the Nation's lands, agrees with the work described in the attached permit request.**

**The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07<sup>TH</sup> day of JULY, 2015 at a meeting at which a quorum was present with a vote of 3,015.3 FOR; -0- AGAINST; -0- NOT VOTING; and [02] 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**

14 day of July, 2015

**ATTEST:**

  
\_\_\_\_\_  
**Evonne Wilson, Legislative Secretary**

16<sup>th</sup> day of July, 2015

**Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 14 day of July, 2015 at 9:08 o'clock, A.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**

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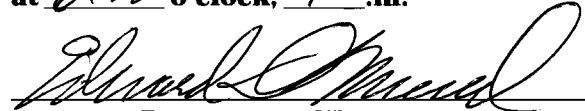
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**APPROVED**

**DISAPPROVED**


on the 16 day of July, 2015

at 6:38 o'clock, P.m.

  
\_\_\_\_\_  
**EDWARD D. MANUEL, CHAIRMAN**  
**TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 17 day of

July, 2015, at 9.05 o'clock, A.m.

  
\_\_\_\_\_  
**Evonne Wilson, Legislative Secretary**

**ACTION:** APPROVING ENCROACHMENT PERMIT APPLICATION BY THE TOHONO O'ODHAM UTILITY AUTHORITY FOR BIA ROUTE 19 AT A LOCATION WITHIN COLD FIELDS

**MOVED:** COUNCILMAN QUINTIN C. LOPEZ

**SECOND:** COUNCILWOMAN MARY LOPEZ

**DATE:** JULY 07, 2015

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.1	1. FRANCES MIGUEL (Roberta E. Harvey)	183.55	X			X
	2. VERNON J. SMITH (Gloria Zazueta)	183.55	X			
CHUKUT KUK 331.9	1. ETHEL GARCIA (Marlakay K. Henry)	165.95	X			
	2. BILLMAN LOPEZ (Patricia Vicenti)	165.95	X			
GUACHI 265.1	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.55	X			
	2. LORETTA LEWIS ( )	132.55	X			
GU VO 249.6	1. GRACE MANUEL (Dallas Lewis)	124.8	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	124.8	X			
HICKIWAN 204.9	1. LOUIS R. LOPEZ (Shirley Molina)	102.45	X			
	2. SANDRA ORTEGA ( )	102.45	X			
PISINEMO 220.0	1. CHESTER ANTONE (Tony Murrietta)	110.0	X			X
	2. VACANT ( )	110.0	X			
SAN LUCY 222.9	1. DIANA MANUEL ( )	111.45	X			
	2. JANA MONTANA (Gloria Ramirez)	111.45	X			
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III (Gene Enis)	114.3	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.3	X			
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. (Theresa Donahue)	90.3	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.3	X			
SELLS 513.1	1. ARTHUR WILSON (Beverly Rivas)	256.55	X			
	2. BARBARA HAVIER ( )	256.55	X			
SIF OIDAK 231.5	1. LUCINDA ALLEN (Nicholas Jose)	115.75	X			
	2. MARY LOPEZ ( )	115.75	X			
<b>TOTAL</b>		<b>3,015.3</b>	<b>3,015.3</b>	<b>-0-</b>	<b>-0-</b>	<b>[02]</b>