

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Granting a Right to Utility Alignment to Tohono O'odham Utility Authority**  
**for construction of the utility line extension in the Garcia Strip Community**  
**of the Schuk Toak District)**

**RESOLUTION NO. 16-066**

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, the TOUA requests permission to build and operate an electrical utility system**  
11 **(collectively, the "Project") on the Nation's land to accommodate the Garcia**  
12 **Strip Community located within the Schuk Toak District; and**

13 **WHEREAS, the Project entails the acquisition of electrical distribution lines from Trico**  
14 **Electric Cooperative, Inc. as identified in TOUA's 2015-2018 Construction Work**  
15 **Plan ("Work Plan"), which is attached hereto and incorporated herein by this**  
16 **reference, as MP-1, MP-2, MP-3 and MP-4 all of which are located in the vicinity**  
17 **of the Schuk Toak Farm; and**

18 **WHEREAS, the acquisition will allow for the provision of power to a new well which will**  
19 **require the replacement of 1.7 miles of electrical line and construction of 1.3**  
20 **miles of new electrical line identified in TOUA's Work Plan as MP-1 and MP-2;**  
21 **and**

22 **WHEREAS, the Project will also include new construction of electrical service lines that**  
23 **includes 0.5 mile for one residence identified as MP-3 in TOUA's Work Plan, and**  
24 **2.5 miles of new service line for three new residential mobile homes identified**  
25 **as MP-4 in TOUA's Work Plan; and**

26 **WHEREAS, the TOUA has provided legal descriptions and a Map of Definite Location for the**  
27 **proposed Project and such legal descriptions and Map of Definite Location are**  
28 **attached hereto and incorporated herein by this reference; and**

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**Page 2 of 4**

1 **WHEREAS, the Project is funded through the Rural Utility Service and will be constructed by**  
2 **TOUA, which will own and operate the Project; and**

3 **WHEREAS, TOUA has completed the necessary environmental and cultural resource**  
4 **requirements for the Rural Utility Service; and**

5 **WHEREAS, the Project will be of substantial benefit to the Garcia Strip Community and its**  
6 **members; and**

7 **WHEREAS, the Schuk Toak District Council approved the proposed Project on July 28, 2012,**  
8 **by District Council Resolution No. ST-07-28-12-070; and**

9 **WHEREAS, the Nation's Realty Office, in conjunction with the Nation's Office of Attorney**  
10 **General, has developed preliminary procedures entitled Process for**  
11 **Recordation of TOUA's Utility Corridors on the Nation's Lands, which was**  
12 **originally developed for IHS Projects ("Utility Alignment Procedures"), that**  
13 **would grant TOUA a "utility alignment," which would vest TOUA with the right to**  
14 **construct the Project; and**

15 **WHEREAS, the Nation's Realty Office, the Nation's Attorney General, and TOUA have all**  
16 **reviewed the Utility Alignment Procedures and have agreed to use the Utility**  
17 **Alignment Procedures, dated April 1, 2015, for a period of one year to see if these**  
18 **procedures address some of the documentation and recordation issues that**  
19 **have been encountered by various TOUA projects; and**

20 **WHEREAS, the Project area has been reviewed by the Natural Resources Conservation**  
21 **Service (in an undated letter), the Arizona Game and Fish Department (in a letter**  
22 **dated April 2, 2015), and the Nation's Cultural Affairs Office on June 18, 2015; and**

23 **WHEREAS, the Agricultural and Natural Resources Committee has reviewed the Project,**  
24 **the Project's supporting documents and its scope of work and the Committee**  
25 **recommends approval by the Legislative Council.**

26 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council grants to**  
27 **TOUA a right to utility alignment for the requested Project to be constructed**  
28 **within the Garcia Strip Community, located within the Schuk Toak District,**  
29 **provided that TOUA will submit to the Nation's Realty Office an acceptable**  
30 **Application for Utility Alignment with all documentation required by the**



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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

**APPROVED**

on the 16 day of February, 2016

**DISAPPROVED**

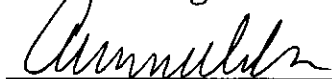
at 10:35 o'clock, A.m.



EDWARD D. MANUEL, CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 16 day of

February, 2016, at 11:38 o'clock, a.m.



Evonne Wilson, Legislative Secretary

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**ACTION: GRANTING A RIGHT TO UTILITY ALIGNMENT TO TOHONO O'ODHAM UTILITY AUTHORITY FOR CONSTRUCTION OF THE UTILITY LINE EXTENSION IN THE GARCIA STRIP COMMUNITY OF THE SCHUK TOAK DISTRICT**

**MOTION: COUNCILMAN ANTHONY J. FRANCISCO JR.**

**SECOND: COUNCILWOMAN MONICA K. MORGAN**

**DATE: FEBRUARY 11, 2016**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (Roberta E. Harvey)	183.60	X			X
	2. VERNON J. SMITH ( <i>Absent</i> ) (Gloria Zazueta) ( <i>Present</i> )	183.60	X			
CHUKUT KUK 332.1	1. ETHEL GARCIA (Marlakay K. Henry)	166.05	X			
	2. BILLMAN LOPEZ (Patricia Vicenti)	166.05	X			
GU ACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50	X			
	2. LORETTA LEWIS ( )	132.50	X			
GU VO 250.6	1. GRACE MANUEL (Dallas Lewis)	125.30	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	125.30	X			
HICKIWAN 205.8	1. LOUIS R. LOPEZ (Shirley Molina)	102.90	X			X
	2. SANDRA ORTEGA ( )	102.90	X			
PISINEMO 219.9	1. CHESTER ANTONE ( )	109.95	X			X
	2. MONICA K. MORGAN ( )	109.95	X			
SAN LUCY 226.5	1. DIANA MANUEL ( )	113.25	X			X
	2. JANA MONTANA (Gloria Ramirez)	113.25	X			
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III ( )	114.30	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.30	X			
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ( )	90.30	X			
	2. QUINTIN C. LOPEZ ( <i>Absent</i> ) (John Fendenheim) ( <i>Present</i> )	90.30	X			
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75	X			
	2. BARBARA HAVIER ( )	256.75	X			
SIF OIDAK 231.6	1. LUCINDA ALLEN (Nicholas Jose)	115.80	X			
	2. MARY LOPEZ ( )	115.80	X			
<b>TOTAL</b>		<b>3,021.4</b>	<b>3,021.4</b>	<b>-0-</b>	<b>-0-</b>	<b>[04]</b>