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 Anthority (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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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, THER	EFORE, 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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42 43 hours of submittal.

(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) Page 3 of 4

1 Application and a survey grade Map of Definite Location, prepared in 2 accordance with 25 CFR §169.10 and 25 CFR §169.6(d) as these sections may be 3 amended from time to time, certified by a registered professional engineer or 4 an Arizona registered land surveyor. 5 BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council hereby grants approval 6 of any encroachment permits for this project, including future individual 7 services installed on the system, which may be granted by the Bureau of Indian 8 Affairs pursuant to federal regulations to allow the utility alignment or service 9 lines to individual customers to cross roads constructed by the Bureau of Indian 10 Affairs. 11 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11TH 12 day of FEBRUARY, 2016 at a meeting at which a quorum was present with a vote of 3,021.4 FOR; 13 -0- AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by 14 Section 2(d) of Article VI of the Constitution of the Tohono O'odham Nation, adopted by the 15 Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant 16 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of 17 June 18, 1934 (48 Stat.984). 18 19 HONO O'ODHAM LEGISLATIVE COUNCIL 20 21 22 23 othy Joaquin, Legislative Chairman 24 25 day of 2016 26 27 28 29 30 ATTEST: 31 32 33 **Evonne Wilson**. Legislative Secretary 34 Tonnus 12 35 day of __ , 2016 36 37 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 2 day of 7 o'clock, 9 .m., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become 38 39 40 effective upon his approval or upon his failure to either approve or disapprove it within 48

RESOLUTION NO. 16-066 (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) Page 4 of 4 **TQHONO O'ODHAM LEGISLATIVE COUNCIL** mothy Joaquin, Legislative Chairman - 2016 APPROVED on the day of <u>/0; 35</u> o'clock, <u>4</u>.m. [] DISAPPROVED at_ EDWARD D. MANUEL, CHAIRMAN **TOHONO O'ODHAM NATION** Returned to the Legislative Secretary on the // day of ____, 2016, at <u>//:38</u> o'clock, <u>A</u>.m. **Evonne Wilson, Legislative Secretary**

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	ABSEN
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 ACH1 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 ORTEĜA ()	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	х			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.30	x			
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR.	90.30	x			
	2. OUINTIN C. LOPEZ (Absent) (John Fendenheim) (Present)	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			
	TOTAL	3,021.4	3,021.4	-0-	-0-	[04]