

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Adopting Chapter 6 to Title 19 of the Tohono O'odham Code – Nation's Consent to  
Commercial Leases and Home Site Allotments)**

**RESOLUTION NO. 16-130**

1 **WHEREAS, control and management of the lands of the Tohono O'odham Nation ("Nation")**  
2 **are vested in the Legislative Council of the Nation (Constitution of the Tohono**  
3 **O'odham Nation, Article VI, Section 1(i)(1) and Article XVI); and**

4 **WHEREAS, the San Xavier Reservation was established by Executive Order on July 3, 1874**  
5 **for the purpose of protecting Indian lands, resources and waters of the**  
6 **Community of Wa:k O'odham from non-Indian encroachment; and**

7 **WHEREAS, in 1891, 41,000 acres within the San Xavier Reservation were allotted in trust to**  
8 **individual Indians under the General Allotment Act of 1887 ("Dawes Act"); and**

9 **WHEREAS, since 1937, the San Xavier District has been recognized as one of the 11 districts**  
10 **of the Nation (Constitution and By-Laws of the Papago Tribe, Article VI, Section 1**  
11 **(1937); Constitution of the Tohono O'odham Nation, Article IX, Section 1 (1986));**  
12 **and**

13 **WHEREAS, the Nation owns fractionated interests in numerous allotments in the San**  
14 **Xavier District; and**

15 **WHEREAS, 25 C.F.R. Part 162.012 sets out the requirements for consent of owners of**  
16 **fractionated interests in Indian lands; and**

17 **WHEREAS, in order to expedite the consent procedures set out in 25 C.F.R. Part 162.012 for**  
18 **allottees pursuing commercial or homesite leases on Indian lands in which the**  
19 **Nation owns a fractionated interest of less than 10%, the Nation has developed**  
20 **the attached process; and**

21 **WHEREAS, the Agricultural and Natural Resources and Housing Committees recommend**  
22 **approval by the Legislative Council.**

23 **NOW, THEREFORE, BE IT RESOLVED the Tohono O'odham Legislative Council enacts the**  
24 **Nation's Consent to Commercial Leases and Home Sites Allotments as Tohono**  
25 **O'odham Code Title 19, Chapter 6.**

26 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06<sup>TH</sup>**  
27 **day of APRIL, 2016 at a meeting at which a quorum was present with a vote of 1,974.15**  
28 **FOR;1,047.25 AGAINST; [01] NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the**  
29 **Council by Article VI, Section 1(i)(1)and Article XVI of the Constitution of the Tohono O'odham**  
30 **Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the**  
31 **Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to**  
32 **Section 16 of the Act of June 18, 1934 (48 Stat.984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

*Timothy Joaquin*  
\_\_\_\_\_  
Timothy Joaquin, Legislative Chairman  
8 day of April, 2016

ATTEST:

*Evonne Wilson*  
\_\_\_\_\_  
Evonne Wilson, Legislative Secretary  
8 day of April, 2016

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 8 day of April, 2016 at 4:37 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*  
\_\_\_\_\_  
Timothy Joaquin, Legislative Chairman

APPROVED

on the 8 day of April, 2016

DISAPPROVED

at 5:08 o'clock, P.M.

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

Returned to the Legislative Secretary on the 11 day of  
April, 2016, at 8:28 o'clock, A.M.

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

**ACTION: ADOPTING CHAPTER 6 TO TITLE 19 OF THE TOHONO O'ODHAM CODE - NATION'S CONSENT TO COMMERCIAL LEASES AND HOME SITE ALLOTMENTS**

**Moved: COUNCILWOMAN OLIVIA VILLEGAS-LISTON**

**SECOND: COUNCILMAN DANIEL L.A. PRESTON, III**

**DATE: APRIL 06, 2016**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (Roberta E. Harvey)	183.60	X			
	2. VERNON J. SMITH (Gloria Zazueta)	183.60		X		
CHUKUT KUK 332.1	1. ETHEL GARCIA (Marlakay K. Henry)	166.05		X		
	2. BILLMAN LOPEZ (Patricia Vicentl)	166.05	X			
GUACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50		X		
	2. LORETTA LEWIS ( )	132.50		X	X	
GU VO 250.6	1. GRACE MANUEL (Dallas Lewis)	125.3	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	125.3	X			
HICKIWAN 205.8	1. LOUIS R. LOPEZ (Shirley Molina)	102.90	X			
	2. SANDRA ORTEGA ( )	102.90	X			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		
	2. JANA MONTANA (Gloria Ramirez)	113.25		X		
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III ( )	114.3	X			
	2. RACHEAL VILSON-STONER (Absent) (Olivia Villegas-Liston) (Present)	114.3	X			
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ( )	90.3	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.3		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>1,974.15</b>	<b>1,047.25</b>	<b>[01]</b>	<b>[02]</b>