

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the attached Encroachment Permit Application submitted by the Tohono O'odham Utility Authority for an encroachment for utility purposes upon a right-of-way issued by the Bureau of Indian Affairs for BIA Route 35 at a location within the Schuk Toak District and approving the work described therein)

RESOLUTION NO. 16-197

1 **WHEREAS, Article XVI, Section 1, of the Constitution of the Tohono O'odham Nation provides**
2 **that control and management of the lands of the Tohono O'odham Nation**
3 **("Nation") are vested in the Legislative Council of the Nation; 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 35 ("BIA ROW"), which includes that portion of Route**
6 **35 that passes through the Santa Rosa Ranch community of the Schuk Toak**
7 **District; and**

8 **WHEREAS, the Tohono O'odham Utility Authority ("TOUA") has proposed a project ("Project")**
9 **that will provide water service to the residence of Mr. Luke Ramon, a resident of**
10 **the Santa Rosa Ranch community located within the Schuk Toak district; and**

11 **WHEREAS, in order to provide such service and commence the Project, TOUA will need to**
12 **cross the BIA ROW at the locations specified in the maps incorporated into its**
13 **Encroachment Permit Application which is attached hereto and incorporated**
14 **herein by this reference; and**

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

17 **WHEREAS, the BIA has provided, and TOUA has completed, the attached Encroachment**
18 **Permit Application for such encroachment permit; and**

19 **WHEREAS, information which must be submitted with the Encroachment Permit**
20 **Application includes, among other things, a resolution from the Nation**
21 **approving the Encroachment Permit Application; and**

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

26 **WHEREAS, the Schuk Toak District Council approved Resolution No. ST-01-23-10-09,**
27 **Approval of Land Assignment for Luke Ramon, which also includes the District's**

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Page 2 of 3

1 approval for TOUA to provide utility services (water, sewer, electricity, phone,
2 etc.) to the home-site of Luke Ramon; and

3 **WHEREAS,** the Agricultural and Natural Resources Committee reviewed the attached
4 Encroachment Permit Application, with supporting documents, and
5 recommends its approval by the Legislative Council.

6 **NOW, THEREFORE, BE IT RESOLVED** by the Legislative Council that it does hereby approve the
7 attached proposed Encroachment Permit Application, prepared by TOUA, which
8 is required by the BIA for TOUA to perform work within the right-of-way issued to
9 the BIA for BIA Route 35.

10 **BE IT FINALLY RESOLVED** that the Legislative Council, which is vested by the Nation's
11 Constitution with the authority to manage the Nation's lands, approves the work
12 described in the attached Encroachment Permit Application.

13 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06TH
14 day of MAY, 2016 at a meeting at which a quorum was present with a vote of 2,792.8 FOR;-0-
15 AGAINST; -0- NOT VOTING; and 228.6[09] ABSENT, pursuant to the powers vested in the Council
16 by Section 1 Article XVI of the Constitution of the Tohono O'odham Nation, adopted by the
17 Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
18 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
19 18, 1934 (48 Stat.984).

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21 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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25 Timothy Joaquin, Legislative Chairman

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27 9TH day of May, 2016

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31 **ATTEST:**

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34 Evonne Wilson, Legislative Secretary

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36 9 day of May, 2016
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Page 3 of 3

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 9 day of May, 2016 at 3:50 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 11 day of May, 2016

DISAPPROVED

at 8:58 o'clock, A.m.


EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 11 day of

May, 2016, at 9:54 o'clock, A.m.


Evonne Wilson, Legislative Secretary

RESOLUTION NO. 16-197

ACTION: APPROVING THE ATTACHED ENCROACHMENT PERMIT APPLICATION SUBMITTED BY THE TOHONO O'ODHAM UTILITY AUTHORITY FOR AN ENCROACHMENT FOR UTILITY PURPOSES UPON A RIGHT-OF-WAY ISSUED BY THE BUREAU OF INDIAN AFFAIRS FOR BIA ROUTE 35 AT A LOCATION WITHIN THE SCHUK TOAK DISTRICT AND APPROVING THE WORK DESCRIBED THEREIN

Moved: COUNCILMAN ANTHONY J. FRANCISCO JR.

Second: COUNCILWOMAN MONICA K. MORGAN

DATE: MAY 06, 2016

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (<i>Absent</i>) (Roberta E. Harvey) (<i>Present</i>)	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 (<i>Absent</i>) (Marlakay K. Henry) (<i>Present</i>)	166.05	X			
	2. BILLMAN LOPEZ (Patricia Vicenti)	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			X
	2. PAMELA ANGHILL (<i>Absent</i>) (Jeffery Antone, Sr.) (<i>Present</i>)	125.3	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			
	2. MONICA K. MORGAN ()	109.95	X			
SAN LUCY 226.5	1. DIANA MANUEL ()	113.25	X			
	2. JANA MONTANA (<i>Absent</i>) (Gloria Ramirez) (<i>Present</i>)	113.25	X			X
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III ()	114.3				X
	2. RACHEAL VILSON-STONER (Olivia Villegas- Liston)	114.3				X
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ()	90.3	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.3	X			X
SELLS 513.5	1. ARTHUR WILSON (<i>Absent</i>) (Beverly Rivas) (<i>Present</i>)	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			X
TOTAL		3,021.4	2,792.8	-0-	-0-	228.6 [09]