

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Memorandum of Agreement Between the United States Bureau of
Indian Affairs and the Tohono O'odham Nation)

RESOLUTION NO. 16-286

1 **WHEREAS, the Constitution of the Tohono O'odham Nation ("Nation") vests the Legislative**
2 **Council with the authority to "preserve and cultivate native arts, crafts and**
3 **traditions" and the power to "consult, negotiate and conclude agreements and**
4 **contracts on behalf of the Tohono O'odham Nation with Federal, State and local**
5 **governments and other Indian tribes" (Constitution, Article VI, Section 1(c)(8)**
6 **and Article VI, Section 1(f)); and**

7 **WHEREAS, the United States Bureau of Indian Affairs ("BIA") intends to improve**
8 **approximately 1.12 miles of BIA Routes 44 and 4202 leading from BIA Route 42 to**
9 **the community of Cockleburr, Arizona ("Undertaking") within the exterior**
10 **boundaries of the Nation; and**

11 **WHEREAS, the Nation issued a permit for archaeological testing within the Undertaking's**
12 **area of potential affects ("APE") at site AZ AA:5:13 to Eco Plan Associates, Inc. and**
13 **it was determined that the Undertaking may disturb buried cultural features**
14 **located within the APE ("Adverse Effects"); and**

15 **WHEREAS, the attached Memorandum of Agreement ("MOA"), which is incorporated herein**
16 **by this reference, between the BIA and the Nation has been negotiated to**
17 **address how the Adverse Effects will be handled and resolved; and**

18 **WHEREAS, the Nation's Tribal Historic Preservation Officer has reviewed and recommends**
19 **approval of the MOA; and**

20 **WHEREAS, the Cultural Preservation Committee has reviewed and recommends the**
21 **approval of the MOA.**

22 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
23 **Memorandum of Agreement between the United States Bureau of Indian Affairs**
24 **and the Tohono O'odham Nation and authorizes the Chairman of the Tohono**
25 **O'odham Nation to sign the Memorandum of Agreement in substantially the**
26 **form attached hereto.**

27 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11TH**
28 **day of JULY, 2016 at a meeting at which a quorum was present with a vote of 3,021,4 FOR; -0-**
29 **AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
30 **Article VI, Section 1(c)(8)and1(f) of the Constitution of the Tohono O'odham Nation, adopted by**
31 **the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
32 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of**
33 **June 18, 1934 (48 Stat.984).**
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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin

Timothy Joaquin, Legislative Chairman
12 day of July, 2016

ATTEST:

Evonne Wilson

Evonne Wilson, Legislative Secretary
12 day of July, 2016

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 12 day of July, 2016 at 12:39 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 12 day of July, 2016

DISAPPROVED

at 12:45 o'clock, P.M.

Edward D. Manuel

EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 12 day of

July, 2016, at 2:14 o'clock, P.M.

Evonne Wilson

Evonne Wilson, Legislative Secretary

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ACTION: APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES BUREAU OF INDIAN AFFAIRS AND THE TOHONO O'ODHAM NATION

Moved: COUNCILMAN LOUIS R. LOPEZ

SECOND: COUNCILMAN ARTHUR WILSON

DATE: JULY 11, 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 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 (<i>Absent</i>) (Jeffery Antone, Sr. (<i>Present</i>))	125.30	X			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			
	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			
SELS 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-	[03]