

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the Contract for Electric Service between the United States Department of Energy, Western Area Power Administration, Desert Southwest Customer Service Region, Boulder Canyon Project and the Tohono O'odham Nation through the Tohono O'odham Utility Authority, an enterprise of the Tohono O'odham Nation)

RESOLUTION NO. 16-409

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with**
2 **the power "to consult, negotiate and conclude agreements and contracts on**
3 **behalf of the Tohono O'odham Nation with Federal, State and local governments**
4 **and other Indian tribes or their departments, agencies, or political subdivisions,**
5 **or with private persons or organizations on all matters within the authority of the**
6 **Tohono O'odham Council." (Constitution, Article VI, Section 1(f)); and**
7 **WHEREAS, the Tohono O'odham Utility Authority ("TOUA") has been established by the**
8 **Tohono O'odham Nation ("Nation") as the entity tasked with the planning,**
9 **providing and furnishing of utility services to all TOUA service areas within the**
10 **Nation, and with the acquisition and operation of utility services, including**
11 **electrical power, within the Nation, pursuant to a Second Restated Plan of**
12 **Operation approved by Resolution No. 91-175; and**
13 **WHEREAS, the Hoover Power Allocation Act of 2011 (125 Stat. 777, 43 U.S.C. Section 619a)**
14 **("Act") established a resource pool of power generated by the Boulder Canyon**
15 **Project referred to as Hoover D Power and marketed to eligible allottees under**
16 **the Act within the Boulder City Area Projects Marketing Area; and**
17 **WHEREAS, under the terms of the Act, the Nation is an eligible allottee able to receive such a**
18 **power allotment; and**
19 **WHEREAS, the Nation, through the TOUA, made application for such an allotment of Hoover**
20 **D Power, and have received notice from the federal government, acting through**
21 **the United States Department of Energy-Western Area Power Administration**
22 **("WAPA"), conferring such an allotment; and**
23 **WHEREAS, in order to secure this allotment of electric service, the Nation is required to enter**
24 **into this Contract; and**
25 **WHEREAS, the Contract requires the Nation to designate an authorized representative for**
26 **the purpose of acting on behalf of the Nation with respect to matters contained in**
27 **the Contract for Electric Service between the United States Department of Energy,**
28 **Western Area Power Administration, Desert Southwest Customer Service Region,**
29 **Boulder Canyon Project and the Tohono O'odham Nation through the Tohono**

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1 O'odham Utility Authority, an enterprise of the Tohono O'odham Nation
2 ("Contract"); and

3 **WHEREAS,** the Contract has been reviewed by the Agricultural and Natural Resources,
4 Commerce, Water Resources and Budget and Finance Committees, which
5 recommend approval of the Contract.

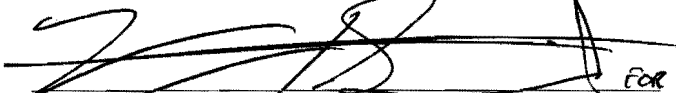
6 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council approves the
7 Electric Service Contract between the United States Department of Energy,
8 Western Area Power Administration, Desert Southwest Customer Service Region,
9 Boulder Canyon Project and the Tohono O'odham Nation through the Tohono
10 O'odham Utility Authority, an enterprise of the Tohono O'odham Nation.

11 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council authorizes the TOUA
12 General Manager Mike Bethurem, or his successor General Manager to be the
13 Nation's Authorized Representative with respect to matters contained in this
14 Contract.

15 **BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that the Chairman of the
16 Nation is authorized to execute this Contract in substantially the form attached
17 hereto, provided, however, that any amendments or modifications shall, except
18 for incidental changes in the Exhibits or Attachments made necessary because an
19 entity that had been given an allotment of power turns down the allotment, shall
20 be submitted for prior approval by the Tohono O'odham Legislative Council.

21 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 22ND day**
22 **of AUGUST, 2016 at a meeting at which a quorum was present with a vote of 2,764.65 FOR; 256.75**
23 **AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by**
24 **Article VI, Section 1(f) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono**
25 **O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
26 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934**
27 **(48 Stat.984).**

28
29 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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31
32  FOR

33 **Timothy Joaquin, Legislative Chairman**

34
35 23RD day of August, 2016

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ATTEST:

Yvonne Lopez for
Evonne Wilson, Legislative Secretary

23 day of August, 2016

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 23 day of August, 2016 at 12:21 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

[Signature]
Timothy Joaquin, Legislative Chairman

APPROVED

on the 24 day of August, 2016

DISAPPROVED

at 2:24 o'clock, P.m.

[Signature]
EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 24 day of August, 2016, at 4:22 o'clock, P.m.

Yvonne Lopez for
Evonne Wilson, Legislative Secretary

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ACTION: APPROVING THE CONTRACT FOR ELECTRIC SERVICE BETWEEN THE UNITED STATES DEPARTMENT OF ENERGY, WESTERN AREA POWER ADMINISTRATION, DESERT SOUTHWEST CUSTOMER SERVICE REGION, BOULDER CANYON PROJECT AND THE TOHONO O'ODHAM NATION THROUGH THE TOHONO O'ODHAM UTILITY AUTHORITY, AN ENTERPRISE OF THE TOHONO O'ODHAM NATION

Moved: COUNCILMAN BILLMAN LOPEZ

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: AUGUST 22, 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			
GUACHI 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			
	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 (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			
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	2,764.65	265.75	-0-	[02]