

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the Amended and Restated Implementation Agreement between the
United States Department of Energy, Western Area Power Administration, Desert
Southwest Customer Service Region, Boulder Canyon Project and the United States
Department of the Interior, Bureau of Reclamation and Boulder Canyon Project
Electric Service Contractors to include the Tohono O'odham Nation)

RESOLUTION NO. 16-410

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") was established by the Tohono**
8 **O'odham Nation ("Nation") as the entity tasked with the planning, providing and**
9 **furnishing of utility services to all TOUA service areas within the Nation, and with**
10 **the acquisition and operation of utility services, including electrical power,**
11 **within the Nation, pursuant to a Second Restated Plan of Operation approved by**
12 **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 power, the Nation is required to enter**
24 **into this Amended and Restated Implementation Agreement between the United**
25 **States Department of Energy, Western Area Power Administration, Desert**
26 **Southwest Customer Service Region, Boulder Canyon Project and the United**
27 **States Department of the Interior, Bureau of Reclamation and Boulder Canyon**

RESOLUTION NO. 16-410

(Approving the Amended and Restated Implementation Agreement between the United States Department of Energy, Western Area Power Administration, Desert Southwest Customer Service Region, Boulder Canyon Project and the United States Department of the Interior, Bureau of Reclamation and Boulder Canyon Project Electric Service Contractors to include the Tohono O'odham Nation)

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Project Electric Service Contractors to include the Tohono O'odham Nation ("Agreement"); and

WHEREAS, this Agreement has been reviewed by the Agricultural and Natural Resources, Commerce, Water Resources and Budget and Finance Committees, which recommend its approval.

NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the Amended and Restated Implementation Agreement.

BE IT FINALLY RESOLVED that the Chairman of the Tohono O'odham Nation is authorized to execute this Amended and Restated Implementation Agreement, substantially in the form attached hereto, provided, however, that any amendments or modifications, other than incidental changes to Exhibits or Attachments made necessary because an entity that had been given an allotment of power turns down the allotment, shall be submitted for prior approval by the Tohono O'odham Legislative Council.

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

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

23rd day of August, 2016

ATTEST:


Evonne Wilson, Legislative Secretary

23 day of August, 2016

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(Approving the Amended and Restated Implementation Agreement between the United States Department of Energy, Western Area Power Administration, Desert Southwest Customer Service Region, Boulder Canyon Project and the United States Department of the Interior, Bureau of Reclamation and Boulder Canyon Project Electric Service Contractors to include the Tohono O'odham Nation)

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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

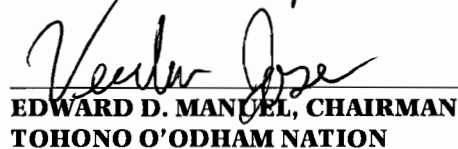

Timothy Joaquin, Legislative Chairman

APPROVED

on the 24 day of August, 2016

DISAPPROVED

at 2:25 o'clock, p.m.


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.


Evonne Wilson, Legislative Secretary

ACTION: APPROVING THE AMENDED AND RESTATED IMPLEMENTATION AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF ENERGY, WESTERN AREA POWER ADMINISTRATION, DESERT SOUTHWEST CUSTOMER SERVICE REGION, BOULDER CANYON PROJECT AND THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF RECLAMATION AND BOULDER CANYON PROJECT ELECTRIC SERVICE CONTRACTORS TO INCLUDE THE TOHONO O'ODHAM NATION

Moved: COUNCILMAN BILLMAN LOPEZ

SECOND: COUNCILMAN LOUIS R. LOPEZ

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	256.75	-0-	[02]