

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Granting a Right to a Utility Alignment to the Tohono O'odham Utility Authority
for Project No. TU 13-804-Covered Wells Regional Water System and the
Nolic Community Intertie Project)**

RESOLUTION NO. 17-322

- 1 **WHEREAS,** the Tohono O'odham Legislative Council is authorized "to manage, protect,
2 preserve and regulate the use of property...of the Tohono O'odham Nation" and
3 "to manage...or otherwise deal with lands, or interests in land" belonging to the
4 Nation (Constitution of the Tohono O'odham Nation, Article VI, Section 1(i)(2) and
5 Section 2(d)); and
- 6 **WHEREAS,** by Resolution 08-70 the Papago Tribe (now called the Tohono O'odham Nation
7 ("Nation")) established the Papago Tribal Utility Authority (now called the Tohono
8 O'odham Utility Authority ("TOUA")), to be an enterprise wholly owned by the
9 Nation, for purposes of constructing, maintaining and operating various utility
10 systems with the Nation; and
- 11 **WHEREAS,** by Resolution No. 91-175 the Nation adopted the Second Restated Plan of
12 Operation for TOUA which requires TOUA to submit for prior review and approval
13 of the Tohono O'odham Legislative Council and the prior written consent of each
14 affected district any proposed utility system, line or facility; and
- 15 **WHEREAS,** by Resolution No. 17-032 the Nation approved Utility Alignment Recordation
16 Procedures ("Recordation Procedures") for TOUA to follow in order to be granted
17 a right to a utility alignment on the Nation, by the Nation, without the approval of
18 the Bureau of Indian Affairs ("BIA") which is authorized pursuant to 25 CFR §
19 169.4(b)(3)(iii); and
- 20 **WHEREAS,** TOUA has submitted to the Nation's Realty Office an application packet for a
21 proposed utility alignment in accordance with the Recordation Procedures; and
- 22 **WHEREAS,** such application packet included a legal description which depicts the proposed
23 alignment as a 50 foot wide alignment encompassing 32.35 acres more or less and
24 a survey grade Map of Definite Location both of which are attached hereto and
25 incorporated herein by this reference; and
- 26 **WHEREAS,** TOUA and Indian Health Services has collaborated to develop a plan for a project
27 which will connect the Nolic Intertie Water System into the Covered Wells
28 Regional Water System through a main intertie (the "Project"); and
- 29 **WHEREAS,** connecting the Nolic Community's water system into the Covered Wells Regional
30 Water System will be of substantial benefit to the community and their respective
31 members by lowering water well arsenic levels which currently exceed the
32 Environmental Protection Agency's maximum contaminate level of 10 parts per
33 billion; and

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1 **WHEREAS, The Nation's Realty Office has reviewed TOUA's application packet for the**
2 **proposed utility alignment for the Project and it is complete; and**

3 **WHEREAS, the Sells District Council approved the Project by Resolution No. SD-73-16; and**

4 **WHEREAS, the Gu Achi District Council approved the Project by Resolution No. 0816-159; and**

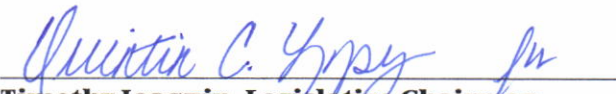
5 **WHEREAS, the Agricultural and Natural Resources Committee has reviewed materials**
6 **associated with the proposed utility alignment and recommends the grant of a**
7 **right to a utility alignment for the Project.**

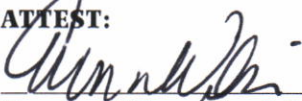
8 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council grants to**
9 **TOUA a right to a utility alignment for the Project and directs the Nation's Realty**
10 **Office to provide a copy of this executed resolution and the legal description for**
11 **the utility alignment to the BIA for their records.**

12 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council grants approval of any**
13 **encroachment permits for the Project, including future individual services**
14 **installed on the system, which may be granted by the BIA pursuant to federal**
15 **regulations to allow the utility alignment or service lines to individual customers**
16 **to cross roads constructed by the BIA.**

17 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 14TH**
18 **day of JULY, 2017 at a meeting at which a quorum was present with a vote of 3,084.6 FOR; -0-**
19 **AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by**
20 **Article VI, Section 1(i)(2) and 2(d) of the Constitution of the Tohono O'odham Nation, adopted by**
21 **the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
22 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
23 **18, 1934 (48 Stat.984).**

24
25 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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28 _____
29 **Timothy Joaquin, Legislative Chairman**
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31 18th day of July, 2017

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34 **ATTEST:**
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36 _____
37 **Evonne Wilson, Legislative Secretary**
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39 18 day of July, 2017

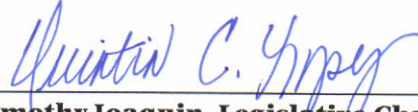
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41 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
42 **O'odham Nation on the 18 day of July, 2017 at 5:16 o'clock, P .m.,**
43 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
44 **effective upon his approval or upon his failure to either approve or disapprove it within 48**
45 **hours of submittal.**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

APPROVED

on the 20 day of July, 2017

DISAPPROVED

at 1:52 o'clock, P.m.



**EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 20 day of

July, 2017, at 2:05 o'clock, P.m.



Evonne Wilson, Legislative Secretary

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ACTION: GRANTING A RIGHT TO A UTILITY ALIGNMENT TO THE TOHONO O'ODHAM UTILITY AUTHORITY FOR PROJECT NO. TU 13-804-COVERED WELLS REGIONAL WATER SYSTEM AND THE NOLIC COMMUNITY INTERTIE PROJECT

MOVED: COUNCILMAN BILLMAN LOPEZ

SECOND: COUNCILMAN ANTHONY J. FRANCISCO, JR.

DATE: JULY 14, 2017

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 235.8	1. MARY LOPEZ ()	117.9	X			X
	2. LUCINDA ALLEN (Yolonda Garcia)	117.9	X			
SELLS 527.2	1. ARTHUR WILSON (<i>Absent</i>) (Beverly Rivas) (<i>Present</i>)	263.6	X			
	2. ADRIANNE TILLER (Idaleen Reyes)	263.6	X			
SCHUK TOAK 185.7	1. ANTHONY J. FRANCISCO JR. (Teresa F. Donahue)	92.85	X			
	2. QUINTIN C. LOPEZ (Agnes V. Joaquin)	92.85	X			X
SAN XAVIER 232.3	1. DANIEL L.A. PRESTON III (Felicia Nunez)	116.15	X			
	2. JANICE FELIX ()	116.15	X			
SAN LUCY 231.1	1. JANA MONTANA ()	115.55	X			X
	2. GLORIA RAMIREZ (Lorraine Eiler)	115.55	X			
PISINEMO 225.9	1. CHESTER ANTONE (Caroline D. Garcia)	112.95	X			
	2. MONICA K. MORGAN ()	112.95	X			
HICKIWAN 209.0	1. LOUIS R. LOPEZ (<i>Absent</i>) (Shirley Molina) (<i>Present</i>)	104.5	X			
	2. SANDRA D. ORTEGA ()	104.5	X			X
GU VO 256.9	1. GRACE MANUEL ()	128.45	X			
	2. DALLAS LEWIS (<i>Absent</i>) (Nacho Flores) (<i>Present</i>)	128.45	X			
GU ACHI 270.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	135.45	X			
	2. LORETTA LEWIS (Victoria Hobbs)	135.45	X			
CHUKUT KUK 337.7	1. BILLMAN LOPEZ (Patricia Vicenti)	168.85	X			
	2. VIVIAN JUAN-SAUNDERS (Juanita Homer)	168.85	X			
BABOQUIVARI 372.1	1. FRANCES MIGUEL (<i>Absent</i>) (Roberta E. Harvey) (<i>Present</i>)	186.05	X			
	2. LEANDER MASE ()	186.05	X			
TOTAL		3,084.6	3,084.6	-0-	-0-	[04]