

**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 13-391 – Baboquivari Regional Water System and the  
Miguel/San Miguel Community Water System Project)**

**RESOLUTION NO. 17-323**

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 15.50 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,** the proposed utility alignment is part of a project developed by TOUA and Indian  
27 Health Services which will connect the Miguel/San Miguel Community Water  
28 System into the Baboquivari Regional Water System through a main intertie,  
29 which will allow the San Miguel wells to be taken off line and allow the retirement  
30 of two temporary arsenic treatment plants while continuing to provide for proper  
31 water treatment (the “Project”); and

32 **WHEREAS,** the Nation’s Realty Office has reviewed TOUA’s application packet for the  
33 proposed utility alignment for the Project and it is complete; and

**RESOLUTION NO. 17-323**

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1 **WHEREAS, the Chukut Kuk District Council approved the Project by Resolution No. 2013-35;**  
2 **and**

3 **WHEREAS, the Baboquivari District Council approved the Project by Resolution No. 2016-B-**  
4 **14; and**

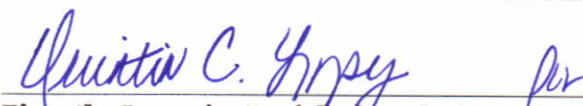
5 **WHEREAS, the Agricultural and Natural Resources Committee has reviewed materials**  
6 **associated with the proposed utility alignment and recommends the grant of a**  
7 **right to a utility alignment for the Project.**

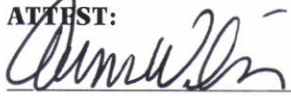
8 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council grants to**  
9 **TOUA a right to a utility alignment for the Project and directs the Nation's Realty**  
10 **Office to provide a copy of this executed resolution and the legal description for**  
11 **the utility alignment 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 14<sup>TH</sup>**  
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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29 **Timothy Joaquin, Legislative Chairman**  
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31 18<sup>th</sup> day of July, 2017

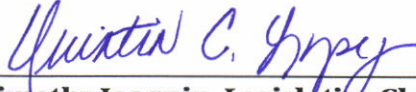
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34 **ATTEST:**  
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37 **Evonne Wilson, Legislative Secretary**  
38  
39 18 day of July, 2017  
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41 **Said Resolution was submitted for approval 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**



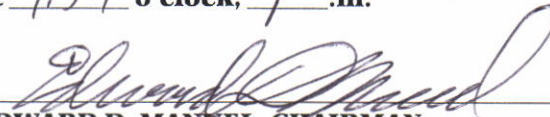
**Timothy Joaquin, Legislative Chairman**

**APPROVED**

on the 20 day of July, 2017

**DISAPPROVED**

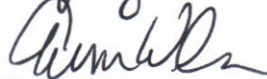
at 1:54 o'clock, P.m.



**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 13-391 – BABOQUIVARI REGIONAL WATER SYSTEM AND THE MIGUEL/SAN MIGUEL COMMUNITY WATER SYSTEM PROJECT**

**Moved: COUNCILMAN ANTHONY J. FRANCISCO, JR.**

**SECOND: COUNCILMAN BILLMAN LOPEZ**

**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			X
	2. QUINTIN C. LOPEZ (Agnes V. Joaquin)	92.85	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 Eller)	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			X
	2. SANDRA D. ORTEGA ( )	104.5	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			
<b>TOTAL</b>		<b>3,084.6</b>	<b>3,084.6</b>	<b>-0-</b>	<b>-0-</b>	<b>[04]</b>