

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending Section 21 of the Second Restated Plan of Operation of the Tohono
O'odham Utility Authority, 24 Tohono O'odham Code Chapter 1)**

RESOLUTION NO. 23-095

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Tohono O'odham
2 Legislative Council with the power to promote, protect and provide for public
3 health, peace, morals, education and general welfare of the Tohono O'odham
4 Nation and its members" (Constitution of the Tohono O'odham Nation, Article VI,
5 Section 1(c)(2)); and

6 **WHEREAS,** by Resolution No. 91-175, the Legislative Council approved the Second Restated
7 Plan of Operation for the Tohono O'odham Utility Authority ("TOUA") (Second
8 Restated Plan of Operation of the Tohono O'odham Utility Authority, 24 Tohono
9 O'odham Code Chapter 1); and

10 **WHEREAS,** the TOUA is "patterned as closely as is feasible on the lines of a chartered public
11 service corporation" and is organized, in part, to "[t]o plan for, provide and
12 furnish utility services to all areas within the Tohono O'odham Nation, where
13 such services are determined to be feasible and economic" and "[t]o provide
14 utility service to the Tohono O'odham at the lowest possible cost consistent with
15 prudent fiscal responsibility" (Second Restated Plan of Operation of the Tohono
16 O'odham Utility Authority, 24 Tohono O'odham Code Chapter 1, Section 4(A) and
17 Section 6); and

18 **WHEREAS,** the Second Restated Plan of Operation of the TOUA provides that "[t]he [TOUA's]
19 Management Board shall adopt all rates and charges for utility services which,
20 when adopted, shall become effective at such time as the Board shall determine,"
21 and that "[u]pon a petition being filed by five percent (5%) of the affected
22 customers, the [TOUA] shall, after giving such notice as the Board may determine
23 to be adequate, hold a formal public hearing to review such rates and charges"
24 (Second Restated Plan of Operation of the Tohono O'odham Utility Authority, 24
25 Tohono O'odham Code Chapter 1, Section 21(A)); and

26 **WHEREAS,** the Second Restated Plan of Operation of the TOUA further provides that
27 "[p]rocedures shall be established by the Tohono O'odham Council to provide for
28 appeals of rate decisions following a public hearing by the [TOUA] to an impartial
29 review board composed of specialists on utility rates" (Second Restated Plan of
30 Operation of the Tohono O'odham Utility Authority, 24 Tohono O'odham Code
31 Chapter 1, Section 21(B); and
32

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1 **WHEREAS,** it is in the best interests of the Nation's members to (1) require the TOUA to
2 provide written notice and hold a public hearing prior to implementing a
3 proposed increase in a utility rate or charge, and (2) establish procedures for
4 filing a petition to appeal an increase in a utility rate or charge.

5 **WHEREAS,** the Commerce Committee accordingly has drafted amendments to Section 21 of
6 the Second Restated Plan of Operation of the TOUA, dated for reference March
7 2023, which are incorporated by this reference and which the Committee
8 recommends be adopted.

9 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council adopts the
10 amendments to Section 21 of the Second Restated Plan of Operation of the
11 Tohono O'odham Utility Authority, dated for reference March 2023.

12 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09TH
13 day of MARCH, 2023 at a meeting at which a quorum was present with a vote of 3,218.0 FOR; -0-
14 AGAINST; [02] NOT VOTING; and -0- ABSENT, pursuant to the powers vested in the Council by,
15 Article VI, Section 1(c)(2) of the Constitution of the Tohono O'odham Nation, adopted by the
16 Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
17 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
18 18, 1934 (48 Stat.984).

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20 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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24 Timothy Joaquin, Legislative Chairman

25
26 10 day of March, 2023

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29 **ATTEST:**

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32 Evonne Wilson, Legislative Secretary

33
34 10 day of March, 2023

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36 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
37 O'odham Nation on the 10 day of March, 2023 at 2:31 o'clock, P.M.,
38 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
39 effective upon his approval or upon his failure to either approve or disapprove it within 48
40 hours of submittal.
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TOHONO O'ODHAM LEGISLATIVE COUNCIL


Timothy Joaquin, Legislative Chairman

APPROVED

on the 14th day of March, 2023

DISAPPROVED

at 2:19 o'clock, p.m.


NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 14 day of

March, 2023, at 2:25 o'clock, p.m.


Evonne Wilson, Legislative Secretary

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ACTION: AMENDING SECTION 21 OF THE SECOND RESTATED PLAN OF OPERATION OF THE TOHONO O'ODHAM UTILITY AUTHORITY, 24 TOHONO O'ODHAM CODE CHAPTER 1

MOVED: COUNCILWOMAN GRACE MANUEL

SECOND: COUNCILMAN LOUIS R. LOPEZ

DATE: MARCH 09, 2023

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 245.6	1. MARY LOPEZ (Ann M. Garcia) 2. LUCINDA ALLEN (Francis Homewytewa)	122.8 122.8	X X			
SELLS 556.5	1. ARTHUR WILSON (<i>Absent</i>) (Shelia Espino) (<i>Present</i>) 2. EVELYN JUAN MANUEL (Arvada Liston)	278.25 278.25	X X			
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza) 2. DELISA M. RAMON (Sharon A. Francisco)	95.25 95.25	X X			
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (Racheal Wilson-Stoner) 2. JANICE FELIX ()	121.3 121.3	X X			
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eiler) 2. ROGER MANUEL (Christina Andrews)	121.9 121.9	X X			
PISINEMO 232.7	1. MARIETTA MARTIN () 2. EDWARD D. MANUEL (Monica Morgan)	116.35 116.35	X X		X	
HICKIWAN 216.6	1. LOUIS R. LOPEZ () 2. DELMA M. GARCIA ()	108.3 108.3	X X		X	
GU VO 270.7	1. GRACE MANUEL () 2. CYNTHIA SAAVEDRA (Dallas Lewis)	135.35 135.35	X X			
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN () 2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25 139.25	X X			
CHUKUT KUK 351.6	1. MARLAKAY HENRY (Billman Lopez) 2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8 175.8	X X			
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone) 2. LEANDER MASE (<i>Absent</i>) (Francine Schooling) (<i>Present</i>)	194.45 194.45	X X			
	TOTAL	3,218.0	3,218.0	-0-	[02]	-0-