

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Directing the Development of a Plan for Providing Utility Assistance to Elderly and**  
**Low-Income Members of the Tohono O'odham Nation Residing on Nation's**  
**Lands Within San Lucy District or Florence Community, Gu Achi District)**

**RESOLUTION NO. 23-362**

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" and to "manage any funds within the exclusive control  
5 of the Tohono O'odham Nation . . . and to appropriate these funds for the benefit  
6 of the nation and its members" (Constitution of the Tohono O'odham Nation,  
7 Article VI, Section 1(c)(2) and (d)(2)); and

8 **WHEREAS,** Initiative IN-01-97, "O'odham Voice on Use of Gaming Revenues" (the "Initiative")  
9 was passed by the Nation's voters on June 28, 1997 and provides a \$1,000,000  
10 annual subsidy to the Tohono O'odham Utility Authority ("TOUA") to assist elderly  
11 and low-income Nation's members with their utility bills ("Initiative utility  
12 assistance"); and

13 **WHEREAS,** by Resolution No. 98-473, the Legislative Council adopted the TOUA Subsidy  
14 Implementation Plan to set criteria and guidelines for distribution of the  
15 Initiative utility assistance in compliance with the provisions of the Initiative;  
16 and

17 **WHEREAS,** the TOUA Subsidy Implementation Plan defines "elderly" as "a person sixty-five  
18 (65) years of age or older," and "low-income" as "a person who (1) is a head of  
19 household and (2) meets Federal Poverty Guidelines;" and

20 **WHEREAS,** the Initiative provides utility assistance to eligible Nation's members who are  
21 served by TOUA, but does not provide assistance to Nation's members within San  
22 Lucy District or Florence Community, Gu Achi District, who are served by other  
23 utility providers; and

24 **WHEREAS,** by Resolution No. 23-023, "Increasing Utility Assistance for Elderly and Low-  
25 Income Members of the Tohono O'odham Nation," the Legislative Council  
26 determined that it is in the best interests of the Nation's members to extend utility  
27 assistance to elderly and low-income Nation's members residing on Nation's  
28 lands within San Lucy District or Florence Community, Gu Achi District, with  
29 funding separate from the Initiative; and

30 **WHEREAS,** Resolution No. 23-023 further directed the Executive Branch to:

**RESOLUTION NO. 23-362**

**(Directing the Development of a Plan for Providing Utility Assistance to Elderly and Low-Income Members of the Tohono O'odham Nation Residing on Nation's Lands Within San Lucy District or Florence Community, Gu Achi District)**

**Page 3 of 4**

- 1                   (1)     **develop a plan for distributing utility assistance to elderly and low-income**
- 2                                   **Nation's members residing on Nation's lands within San Lucy District and**
- 3                                   **Florence Community, Gu Achi District;**
- 4                   (2)     **submit the plan to the Commerce Committee for review within one**
- 5                                   **hundred and twenty (120) days of the effective date of Resolution No. 23-**
- 6                                   **023; and**
- 7                   (3)     **present the finalized plan, as approved by the Commerce Committee in**
- 8                                   **consultation with the Budget and Finance Committee, to the Legislative**
- 9                                   **Council for approval within one hundred and eighty (180) days of the**
- 10                                  **effective date of Resolution No. 23-023; and**

11 **WHEREAS, on August 8, 2023, the Commerce Committee and former Chairman Ned Norris,**  
12 **Jr. presented the status of the plan to the Legislative Council and, to date, the plan**  
13 **has not been developed; and**

14 **WHEREAS, the Commerce Committee recommends continuing the development of a plan for**  
15 **extending utility assistance to elderly and low-income Nation's members**  
16 **residing on Nation's lands within San Lucy District or Florence Community, Gu**  
17 **Achi District, in collaboration with the local utility providers and affected**  
18 **districts.**

19 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that:**

- 20                   (1)     **the Nation's chairperson and vice chairperson, or their designated**
- 21                                   **representative, in consultation with local utility providers and San Lucy**
- 22                                   **District and Gu Achi District leadership, shall develop a plan for**
- 23                                   **distributing utility assistance to qualifying elderly and low-income**
- 24                                   **Nation's members residing on Nation's lands within San Lucy District and**
- 25                                   **Florence Community, Gu Achi District, that qualifies for tax free**
- 26                                   **treatment;**
- 27                   (2)     **The plan shall:**
  - 28                                   (a)     **define "Elderly" as a person fifty-five (55) years of age or older;**
  - 29                                   (b)     **define "Low-Income" as a person who (1) is a head of household and**
  - 30   **(2) meets Federal Poverty Guidelines;**
  - 31                                   (c)     **define "Eligible Member" as a member of the Nation who (1) is a**
  - 32   **head of household, (2) resides on Nation's lands, (3) is not provided**

**RESOLUTION NO. 23-362**

**(Directing the Development of a Plan for Providing Utility Assistance to Elderly and Low-Income Members of the Tohono O'odham Nation Residing on Nation's Lands Within San Lucy District or Florence Community, Gu Achi District)**

**Page 3 of 4**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

electricity by the Tohono O'odham Utility Authority, and (4) is eligible for utility assistance because Elderly or Low-Income;

(d) develop a process for identifying and registering Eligible Members;

(e) determine how to distribute the funds to Eligible Members;

(f) provide an amount of utility assistance for each Eligible Member that is equal to the amount provided to each qualifying Nation's member under the Initiative utility assistance;

(g) develop a methodology for annually adjusting the total amount of funds appropriated annually for utility assistance to Eligible Members, that is consistent with the adjustment methodology developed by the Commerce Committee for Initiative utility assistance pursuant to Resolution No. 23-023; and

(h) determine the estimated annual cost for providing utility assistance to Eligible Members, including administrative costs;

(3) the Nation's chairperson and vice chairperson, or their designated representative, shall provide a status update on the plan to the Commerce Committee within thirty (30) days of the effective date of this Resolution;

(4) the Nation's chairperson and vice chairperson, or their designated representative, shall present the plan to the Commerce Committee for review within sixty (60) days of the effective date of this Resolution; and

(5) the Nation's chairperson and vice chairperson, or their designated representative, shall present the finalized plan as approved by the Commerce Committee, in consultation with the Budget and Finance Committee, and the Commerce Committee shall present any other action necessary to implement the plan, to the Legislative Council for approval within ninety (90) days of the effective date of this Resolution.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 14<sup>TH</sup> day of SEPTEMBER 2023 at a meeting at which a quorum was present with a vote of 3,263.3 FOR; ~~0~~ AGAINST; ~~0~~ NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(c)(2) and 1(d)(2) 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).

RESOLUTION NO. 23-362

(Directing the Development of a Plan for Providing Utility Assistance to Elderly and Low-Income Members of the Tohono O'odham Nation Residing on Nation's Lands Within San Lucy District or Florence Community, Gu Achi District)

Page 4 of 4

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

TOHONO O'ODHAM LEGISLATIVE COUNCIL

  
Wavalene M. Saunders, Legislative Chairwoman

19<sup>th</sup> day of SEPTEMBER, 2023

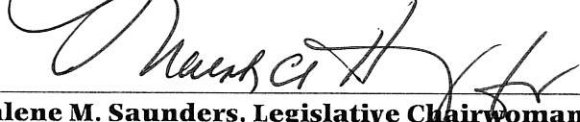
ATTEST:

  
Evonne Wilson, Legislative Secretary

19 day of September, 2023

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 19<sup>th</sup> day of SEPTEMBER, 2023 at 6:41 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

  
Wavalene M. Saunders, Legislative Chairwoman

APPROVED on the 22 day of September, 2023

DISAPPROVED at 2:44 o'clock, P.m.

  
VERLON M. JOSE, CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 22 day of September, 2023, at 3:31 o'clock, P.m.

EXCEEDED 48 HOURS

  
Evonne Wilson, Legislative Secretary

**ACTION: DIRECTING THE DEVELOPMENT OF A PLAN FOR PROVIDING UTILITY ASSISTANCE TO ELDERLY AND LOW-INCOME MEMBERS OF THE TOHONO O'ODHAM NATION RESIDING ON NATION'S LANDS WITHIN SAN LUCY DISTRICT OR FLORENCE COMMUNITY, GU ACHI DISTRICT**

**Moved: COUNCILWOMAN JANICE FELIX**

**SECOND: COUNCILWOMAN VICTORIA HOBBS**

**DATE: SEPTEMBER 14, 2023**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 394.2	1. LEANDER MASE (Francine Schooling) 2. JESSE NAVARRO (Alberta J. Ray)	197.1 197.1	X X			
CHUKUT KUK 354.7	1. VIVIAN JUAN-SAUNDERS (Cornelius Antone) 2. MARLAKAY HENRY ( )	177.35 177.35	X X			
GU ACHI 282.7	1. VICTORIA HOBBS (Tonya L. Joaquin) 2. TIMOTHY L. JOAQUIN <i>Absent</i> (Jerome L. Joaquin) <i>Present</i>	141.35 141.35	X X			
GU VO 276.0	1. DALLAS LEWIS ( ) 2. LESLIE LUNA (Grace Manuel)	138.0 138.0	X X			
HICKIWAN 220.5	1. DELMA M. GARCIA ( ) 2. LOUIS R. LOPEZ <i>Absent</i> (Loretta A. Ortega) <i>Present</i>	110.25 110.25	X X			X
PISINEMO 236.2	1. EDWARD D. MANUAL (Monica Morgan) 2. PAMELA J. BENAVIDEZ (Nora J. Ruelas)	118.1 118.1	X X			
SAN LUCY 257.6	1. ROGER MANUEL (Christina Andrews) 2. GLORIA M. RAMIREZ (Lorraine M. Biler)	128.8 128.8	X X			
SAN XAVIER 244.5	1. JANICE FELIX ( ) 2. DANIEL L.A. PRESTON III ( )	122.25 122.25	X X			
SCHUK TOAK 191.8	1. DELISA M. RAMON (Sharon A. Francisco) 2. THEORIA CAMPILLO (Rebecca Ann Valentine)	95.9 95.9	X X			
SELLS 558.0	1. EVELYN JUAN-MANUEL (Arvada Liston) 2. JANET B. BLEANDO ( )	279.0 279.0	X X			
SIF OIDAK 247.1	1. LUCINDA ALLEN (Francis Homewytewa) 2. WAVALENE M. SAUNDERS (Mary Lopez)	123.55 123.55	X X			
	<b>TOTAL</b>	<b>3,263.30</b>	<b>3,263.3</b>	<b>-0-</b>	<b>-0-</b>	<b>[01]</b>