

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Granting Right of Way to the Tohono O'odham Utility Authority for a Utility
Alignment on the Charco 27 Regionalization Project No. TU-18-816)**

RESOLUTION NO. 24-238

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, the Charco 27, Hickiwan District is vulnerable to a drinking water emergency**
7 **because its water system is supplied by a single source, a groundwater well that**
8 **contains nitrate levels sitting just below the Maximum Contaminant Level of**
9 **10mg/L; and**

10 **WHEREAS, the United States Environmental Protection Agency has awarded the Nation**
11 **\$1,930,000.00 to fund Project No. TU 18-816, which will connect 22 homes in**
12 **Charco 27, Hickiwan District to the Vaya Chin Regional Water System, thereby**
13 **providing the community with a second water source that is safely below unsafe**
14 **nitrate levels; and**

15 **WHEREAS, the complete project, the Tohono O'odham Utility Authority ("TOUA")—**
16 **chartered, inter alia, by 24 T.O.C. Ch. 1, § 4(A)(3) to furnish water services within**
17 **the Tohono O'odham Nation—must install a utility alignment as described in**
18 **Attachment 5, hereby incorporated by this reference; and**

19 **WHEREAS, to install the utility alignment, TOUA applied to the Nation's Realty Office for a**
20 **right of way under the Utility Alignment Recordation Procedures established by**
21 **Res. No. 17-032 (Jan. 18, 2017); and**

22 **WHEREAS, the Nation's Cultural Affairs Office and the Wildlife and Vegetation Management**
23 **Program have evaluated the project's potential impacts on cultural and**
24 **biological resources; and**

25 **WHEREAS, the Hickiwan District approved Project No. TU-18-816 under District Council Res.**
26 **No. HDC-23-051; and**

27 **WHEREAS, the proposed utility alignment is in the best interest of the Nation and its**
28 **Members because it protects the water supply of an entire community; and**

29 **WHEREAS, the Agricultural and Natural Resources Committee has reviewed the proposed**
30 **utility alignment and recommends its approval by Legislative Council.**

31 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council grants the**
32 **Tohono O'odham Utility Authority a right of way for its utility alignment on**

RESOLUTION NO. 24-238

(Granting Right of Way to the Tohono O'odham Utility Authority for a Utility Alignment on the Charco 27 Regionalization Project No. TU-18-816)

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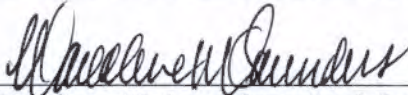
1 Project TU 18-816 to connect 22 homes in Charco 27, Hickiwan District to the Vaya
2 Chin Regional Water System.

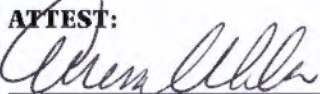
3 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council grants approval of any
4 encroachment permits for this project, including future individual services
5 installed on the system, which may be granted by the Bureau of Indian Affairs
6 pursuant to federal regulations to allow the utility alignment or service lines to
7 individual customers to crossroads constructed by the Bureau of Indian Affairs.

8 **BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that the Nation's
9 chairperson, or his designee, is authorized to execute any documents reasonably
10 necessary to administer the right of way, except that any amendments or
11 modifications to the right of way shall be submitted for prior approval by the
12 Tohono O'odham Legislative Council.

13 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06TH
14 day of AUGUST 2024 at a meeting at which a quorum was present with a vote of 3,263.3 FOR; -0-
15 AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by
16 Article VI, Section 1(i)(2), (2)(d) the Constitution of the Tohono O'odham Nation, adopted by the
17 Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
18 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
19 18, 1934 (48 Stat.984).

20
21 TOHONO O'ODHAM LEGISLATIVE COUNCIL

22 
23 _____
24 Wavalene M. Saunders, Legislative Chairwoman
25
26 9 day of August, 2024

27
28
29
30 **ATTEST:**
31 
32 _____
33 Evonne Wilson, Legislative Secretary
34
35 8 day of August, 2024

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37 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
38 O'odham Nation on the 9 day of August, 2024 at 9:30 o'clock, a .m.,
39 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
40 effective upon his approval or upon his failure to either approve or disapprove it within 48
41 hours of submittal.
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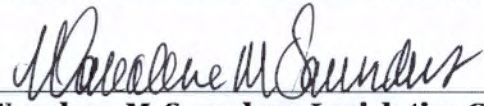
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TOHONO O'ODHAM LEGISLATIVE COUNCIL



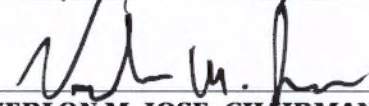
Wavalene M. Saunders, Legislative Chairwoman

APPROVED

on the 11 day of August, 2024

DISAPPROVED

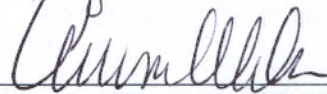
at 4:14 o'clock, p.m.



**VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 12 day of

August, 2024, at 2:16 o'clock, p.m.



Evonne Wilson, Legislative Secretary

ACTION: GRANTING RIGHT OF WAY TO THE TOHONO O'ODHAM UTILITY AUTHORITY FOR A UTILITY ALIGNMENT ON THE CHARCO 27 REGIONALIZATION PROJECT NO. TU-18-816**MOVED: VICE CHAIRWOMAN MARLAKAY HENRY****SECOND: COUNCILMAN ROGER MANUEL****DATE: AUGUST 06, 2024**

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			X
CHUKUT KUK 354.7	1. VIVIAN JUAN-SAUNDERS (Cornelius Antone) 2. MARLAKAY HENRY ()	177.35 177.35	X X			
GUACHI 282.7	1. VICTORIA HOBBS (Tonya L. Joaquin) 2. JEROME F. JOAQUIN ()	141.35 141.35	X X			
GU VO 276.0	1. DALLAS LEWIS () 2. LESLIE LUNA ()	138.0 138.0	X X			X
HICKIWAN 220.5	1. DELMA M. GARCIA () 2. LOUIS R. LOPEZ (Loretta A. Ortega)	110.25 110.25	X X			
PISINEMO 236.2	1. EDWARD D. MANUEL (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. Eiler)	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. ELEANDO ()	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			
	TOTAL	3,263.30	3,263.3	-0-	-0-	[02]