

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Granting a Right of Way for a General Utility Alignment to the Tohono O'odham
Utility Authority for Santa Rosa Ranch School in the Santa Rosa Ranch
Community, Schuk Toak District)**

RESOLUTION NO. 24-240

1 **WHEREAS,** the Tohono O'odham Legislative Council is authorized "to manage, protect,
2 preserve and regulate the use of the property . . . of the Tohono O'odham Nation"
3 and "to manage . . . or otherwise deal with lands, or interests in land" belonging
4 to the Nation (Constitution of the Tohono O'odham Nation, Article VI, Section
5 1(i)(2) and Section 2(d)); and

6 **WHEREAS,** the Tohono O'odham Utility Authority ("TOUA"), formerly known as the Papago
7 Tribal Utility Authority, is an enterprise wholly owned by the Nation for the
8 purposes of constructing, maintaining and operating various utility systems
9 within the Nation; and

10 **WHEREAS,** by Resolution No. 91-175, the Nation adopted the Second Restated Plan of
11 Operation for TOUA, which requires TOUA to obtain prior Legislative Council
12 review and approval and prior written consent of each affected District Council
13 for any proposed utility system, line or facility (TOUA Second Restated Plan of
14 Operation, Section 5.A.; 24 Tohono O'odham Code Chapter 1); and

15 **WHEREAS,** by Resolution No. 17-032, the Nation approved the Utility Alignment Recordation
16 Procedures for Tohono O'odham Utility Authority Projects, which provided the
17 process for TOUA to be granted a right to a utility alignment on the Nation, by the
18 Nation, without the approval of the Bureau of Indian Affairs ("BIA"), which is
19 authorized pursuant to 25 CFR §169.4(b)(3)(iii); and

20 **WHEREAS,** a new Santa Rosa Ranch School will be constructed, and its location will impact
21 an existing TOUA waterline previously approved under Tohono O'odham Nation
22 Council Resolution 10-393, thereby requiring the existing waterline to be
23 relocated; and

24 **WHEREAS,** the requested general utility easement will relocate TOUA's water main to allow
25 for a continued looped water system serving Santa Rosa Ranch School within the
26 Santa Rosa Ranch Community with legal description which depicts the proposed
27 alignment as a 15-foot-wide alignment encompassing approximately 0.31 acres,
28 or 13,535 square feet (+/-) both of which are attached hereto and incorporated by
29 this reference; and

30 **WHEREAS,** on February 26, 2022, the Schuk Toak District Council approved Resolution No.
31 ST-02-26-22-026, "Approval of land lease for the BIA Santa Rosa Ranch School"
32 and in a letter to the Nation's Realty Office dated February 21, 2024, the Schuk

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(Granting a Right of Way for a General Utility Alignment to the Tohono O'odham Utility Authority for Santa Rosa Ranch School in the Santa Rosa Ranch Community, Schuk Toak District)

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1 Toak District acknowledged the new water line within the approved lease area;
2 and

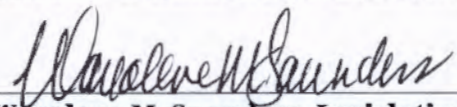
3 WHEREAS, the Agricultural and Natural Resources Committee has reviewed the proposed
4 general utility alignment and recommends granting a right for a general utility
5 alignment for the relocated water main.

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

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

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

22
23 TOHONO O'ODHAM LEGISLATIVE COUNCIL

24 
25
26 Wavalene M. Saunders, Legislative Chairwoman

27
28
29 9 day of August, 2024

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32 ATTEST: 

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34 Evonne Wilson, Legislative Secretary

35
36 8 day of August, 2024

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

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Wavalene M. Saunders

Wavalene M. Saunders, Legislative Chairwoman

APPROVED

on the 11 day of August, 2024

DISAPPROVED

at 4:15 o'clock, p. .m.

Verlon M. Jose

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

Evonne Wilson, Legislative Secretary

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ACTION: GRANTING A RIGHT OF WAY FOR A GENERAL UTILITY ALIGNMENT TO THE TOHONO O'ODHAM UTILITY AUTHORITY FOR SANTA ROSA RANCH SCHOOL IN THE SANTA ROSA RANCH COMMUNITY, SCHUK TOAK DISTRICT

MOVED: COUNCILWOMAN THEORIA CAMPILLO

SECOND: VICE CHAIRWOMAN MARLAKAY HENRY

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			
GU ACHI 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]