

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Granting a Right for a Utility Alignment to the Tohono O'odham Utility Authority
for Santa Rosa Village Water Main Extension Project No. TU-22-592)**

RESOLUTION NO. 24-375

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, on May 15, 1991, the Nation adopted the Tohono O'odham Utility Authority's**
7 **("TOUA," formerly known as the Papago Tribal Utility and originally established**
8 **pursuant to TOLC Resolution No. 08-70) "Second Restated Plan of the Operation**
9 **for the Tohono O'odham Utility Authority," as adopted by TOLC Resolution No. 91-**
10 **175 to plan, provide and furnish utility services to all areas within the Nation, to**
11 **acquire, construct, operate, maintain, promote and expand utility systems to**
12 **furnish electric, gas, water, sewer and telephone services within the Nation's**
13 **lands; and**

14 **WHEREAS, the Department of the Interior, Bureau of Indian Affairs, disseminated amended**
15 **regulations at 25 CFR Part 169 Rights-of-Way over Indian Lands, which provide,**
16 **in part, that an independent legal entity that is wholly owned and operated by a**
17 **tribe that owns 100 percent of the trust or restricted interests in land does not**
18 **need to obtain a BIA right-of-way, but instead such tribe shall pass a resolution**
19 **authorizing access to the entity, without BIA approval, including a legal land**
20 **description, and shall submit both documents to the BIA for its records (25 CFR**
21 **§169.004); and**

22 **WHEREAS, on January 18, 2017, the TOLC approved Utility Alignment Recordation**
23 **Procedures for TOUA, a wholly owned and operated tribal utility through**
24 **Resolution 17-032; and**

25 **WHEREAS, the Santa Rosa Regional Water System has the technical capacity in both well**
26 **production and storage capacity to support the proposed expansion to serve the**
27 **additional home; and**

28 **WHEREAS, under the Provision Public Law 86-121, the Nation submitted a Project Proposal**
29 **requesting assistance from the Indian Health Services (IHS) for the construction**
30 **of sanitation facilities to serve new and like-new housing on the Tohono O'odham**
31 **Nation; and**

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1 **WHEREAS, this project proposes to construct the necessary water supply and waste disposal**
2 **facilities; and**

3 **WHEREAS, the new utility alignment is described as a 50 foot wide alignment, 25 feet on**
4 **either side of the center line, encompassing 1.14 acres of land, more or less, which**
5 **is more particularly described in Attachment A - legal land description, and as**
6 **depicted in Attachment B - survey map; and**

7 **WHEREAS, the Nation's Tribal Historic Preservation Office and Wildlife and Vegetation**
8 **Management Program have provided Cultural Resource and Biological**
9 **clearances for the utility alignment; and**

10 **WHEREAS, the Gu Achi District Council has approved Resolution No. 0624-081, supporting**
11 **the Tohono O'odham Utility Authority and Indian Health Service Project No. TU**
12 **22-592; and**

13 **WHEREAS, TOUA has submitted a complete application to the Nation's Realty Office for the**
14 **approval and recordation of a new utility alignment as required under the**
15 **Nation's Utility Alignment Recordation Procedures; and**

16 **WHEREAS, the Agricultural and Natural Resources Committee has reviewed and**
17 **recommends to the Legislative Council the approval of the utility alignment; and**

18 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby grants**
19 **to TOUA a right to utility alignment for Project TU 22-592 for the Santa Rosa**
20 **Regional Water System extension water main system based on the submittal of an**
21 **acceptable Application for Utility Alignment with all documentation required by**
22 **the Application and which includes an accurate legal land description in**
23 **accordance with 25 CFR 169.102(b)(1), and a survey grade Map of Definite**
24 **Location, prepared in accordance with 25 CFR §169.102(h)(2) as these sections**
25 **may be amended from time to time, certified by a registered professional**
26 **engineer or an Arizona Registered Land Surveyor.**

27 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council hereby grants approval**
28 **of any encroachment permits for this project, including future individual**
29 **services installed on the system, which may be granted by the Bureau of Indian**
30 **Affairs pursuant to federal regulations to allow the utility alignment or service**
31 **lines to individual customers to cross roads constructed by the Bureau of Indian**
32 **Affairs.**

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12TH day of NOVEMBER 2024 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 2(d) 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).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Wavalene M. Saunders
Wavalene M. Saunders, Legislative Chairwoman

19 day of November, 2024

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary

18 day of November, 2024

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 19 day of November, 2024 at 1:00 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
Wavalene M. Saunders, Legislative Chairwoman

APPROVED

on the 20 day of November, 2024

DISAPPROVED

at 6:17 o'clock, p.m.

Verlon M. Jose
VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

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1 Returned to the Legislative Secretary on the 21 day of
2 November, 2024, at 11:49 o'clock, A.m.
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5 Evonne Wilson
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7 **Evonne Wilson, Legislative Secretary**
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ACTION: GRANTING A RIGHT FOR A UTILITY ALIGNMENT TO THE TOHONO O'ODHAM UTILITY AUTHORITY FOR SANTA ROSA VILLAGE WATER MAIN EXTENSION PROJECT NO. TU-22-592

MOVED: COUNCILMAN ROGER MANUEL

SECOND: COUNCILWOMAN JANICE FELIX

DATE: NOVEMBER 12, 2024

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 394.2	1. LEANDER MASE (<i>Absent</i>) (Francine Schooling) (<i>Present</i>) 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. 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			
HICKIWAN 220.5	1. DELMAM M. GARCIA () 2. LOUIS R. LOPEZ (Loretta A. Ortega)	110.25 110.25	X X			
PISINEMO 236.2	1. EDWARD D. MANUEL () 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 (<i>Absent</i>) (Lorraine M. Eiler) (<i>Present</i>)	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			X
SCHUK TOAK 191.8	1. DELISA M. RAMON (Sharon A. Francisco) 2. THEORIA CAMPILO (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. FRANCIS HOMEWYTEWA () 2. WAVALENE M. SAUNDERS (Mary Lopez)	123.55 123.55	X X			
	TOTAL	3,263.30	3,263.3	-0-	-0-	[01]