

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

**RESOLUTION NO. 25-023**

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 "authorize, charter and regulate public or  
5 private corporations and associations whether organized for profit, or for non-  
6 profit or charitable purposes" (Constitution of the Tohono O'odham Nation,  
7 Article VI, Section 1(c)(2) and 1(e)); and

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

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

**RESOLUTION NO. 25-023**

**(Amending Section 21: Rates and Charges of the Second Restated Plan of Operation of the Tohono O'odham Utility Authority, 24 Tohono O'odham Code Chapter 1)**

**Page 2 of 3**

1 **WHEREAS,** it is in the best interests of the Nation's members to amend the Restated Plan of  
2 **Operation Section 21: Rates and Charges to (1) require the TOUA to provide**  
3 **advance, written notice and hold a public hearing prior to implementing a**  
4 **proposed increase in a utility rate or charge, and (2) establish procedures for**  
5 **filing a petition to appeal an increase in a utility rate or charge.**

6 **WHEREAS,** the Commerce Committee accordingly drafted amendments to the Second  
7 **Restated Plan of Operation Section 21: Rates and Charges to provide the public**  
8 **with advance, written notice and a voice in rate and charge increases, and the**  
9 **Committee updated the amendments in response to public comments; and**

10 **WHEREAS,** although the Legislative Council approved the amendments by Resolution No. 23-  
11 **095, and a Council majority subsequently voted to override a veto of the**  
12 **Resolution, the veto was sustained, and the Rates and Charges amendments were**  
13 **not enacted; and**

14 **WHEREAS,** in 2024, the Commerce Committee conferred with the Nation's current chairman  
15 **and resubmitted the Rates and Charges amendments to the public for an**  
16 **additional comment period; and**

17 **WHEREAS,** the Commerce Committee therefore recommends that the Legislative Council  
18 **approve the Second Restated Plan of Operation of the Tohono O'odham Utility**  
19 **Authority Section 21 Rates and Charges amendments dated January 2025, which**  
20 **are incorporated by this reference.**

21 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council adopts the**  
22 **Second Restated Plan of Operation of the Tohono O'odham Utility Authority**  
23 **Section 21 Rates and Charges amendments dated January 2025.**

24 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 16<sup>TH</sup>**  
25 **day of JANUARY 2025 at a meeting at which a quorum was present with a vote of 3,016.2 FOR; -0-**  
26 **AGAINST; -0- NOT VOTING; and 247.1 [03] ABSENT, pursuant to the powers vested in the Council**  
27 **by Article VI, Section 1(c)(2) and (e) of the Constitution of the Tohono O'odham Nation, adopted**  
28 **by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy**  
29 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the**  
30 **Act of June 18, 1934 (48 Stat.984).**

31  
32 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

33  
34  
35   
36 **Wavalene M. Saunders, Legislative Chairwoman**

37  
38 9<sup>th</sup> day of January, 2025  
39

RESOLUTION NO. 25-023

(Amending Section 21: Rates and Charges of the Second Restated Plan of Operation of the Tohono O'odham Utility Authority, 24 Tohono O'odham Code Chapter 1)

Page 3 of 3

ATTEST:

*Evonne Wilson*  
Evonne Wilson, Legislative Secretary

21 day of January, 2025

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 21<sup>st</sup> day of January 2025 at 9:56 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 21 day of January, 2025

DISAPPROVED

at 9:03 o'clock, p.m.

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

Returned to the Legislative Secretary on the 22 day of

January, 2025, at 8:45 o'clock, a.m.

*Evonne Wilson*  
Evonne Wilson, Legislative Secretary

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  
51

**ACTION: AMENDING SECTION 21: RATES AND CHARGES OF THE SECOND RESTATED PLAN OF OPERATION OF THE TOHONO O'ODHAM UTILITY AUTHORITY, 24 TOHONO O'ODHAM CODE CHAPTER 1****MOVED: COUNCILMAN JEROME JOAQUIN****SECOND: COUNCILWOMAN EVELYN JUAN MANUEL****DATE: JANUARY 16, 2025**

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			
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			
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 ( ) 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			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
	<b>TOTAL</b>	<b>3,263.3</b>	<b>3,016.2</b>	<b>-0-</b>	<b>-0-</b>	<b>247.1</b> <b>[03]</b>