

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Granting a General Utility Easement to the Tohono O'odham Utility Authority
for the Housing Project in the San Miguel Community, Chukut Kuk District)**

RESOLUTION NO. 26-147

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,** by Resolution No. 2014-47 the Chukut Kuk District Council consented to a housing
7 project by the Tohono O'odham Ki:Ki Association ("TOKA") to be located in the San
8 Miguel Community of the Chukut Kuk District; and

9 **WHEREAS,** the TOKA is established as a separate tribal entity pursuant Tohono O'odham
10 Legislative Council ("TOLC") Ordinance No. 98-03; and

11 **WHEREAS,** by Resolution No. 08-70 the Nation established the Papago Tribal Utility
12 Authority, now known as the Tohono O'odham Utility Authority ("TOUA"), to be an
13 enterprise wholly owned by the Nation for purposes of constructing, maintaining
14 and operating various utility systems within the Nation; and

15 **WHEREAS,** by Resolution No. 91-175 the Nation adopted the Second Restated Plan of
16 Operation for TOUA which requires TOUA to submit the prior written consent of
17 each affected district for any proposed utility system, line or facility; and

18 **WHEREAS,** by Resolution No. 17-032 the Nation approved Utility Alignment Recordation
19 Procedures for TOUA to follow in order to be granted a right to a utility alignment
20 by the Nation without the approval of the Bureau of Indian Affairs ("BIA"),
21 pursuant to 25 CFR § 169.4(h)(3)(iii); and

22 **WHEREAS,** the general utility easement will extend TOUA's water main to allow for a newly
23 constructed water service line for the new housing development within the San
24 Miguel Community in the Chukut Kuk District with legal description which is
25 attached hereto and incorporated by this reference; and

26 **WHEREAS,** the Agricultural and Natural Resources Committee has reviewed and
27 recommends approval.

28 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council grants to
29 TOUA a right of access for the San Miguel Community within the Chukut Kuk
30 District at the location described in the legal land description, as attached and
31 incorporated hereto, for the purposes of an intertie.

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Page 2 of 3

1 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council hereby grants approval**
2 **for any encroachment permits for this project, including future individual**
3 **services installed on the system, which may be granted by the BIA pursuant to**
4 **federal regulations to allow the utility alignment or service lines to individual**
5 **customers to cross roads constructed and maintained by the BIA or roads within**
6 **the Nation not maintained by the BIA.**

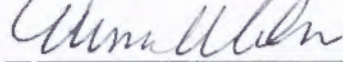
7 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 04TH**
8 **day of MAY 2026 at a meeting at which a quorum was present with a vote of 3,321.1 FOR; -0-**
9 **AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
10 **Article VI, Sections 1(i)(2) and 2(d) of the Constitution of the Tohono O'odham Nation, adopted**
11 **by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy**
12 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the**
13 **Act of June 18, 1934 (48 Stat.984).**

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16 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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20 **Wavalene M. Saunders, Legislative Chairwoman**

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22 8 day of May, 2026

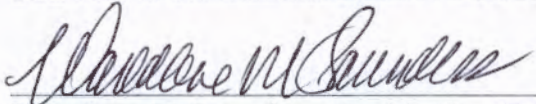
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25 **ATTEST:**

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28 **Evonne Wilson, Legislative Secretary**

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30 7 day of May, 2026

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32 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
33 **O'odham Nation on the 8 day of May, 2026 at 9:37 o'clock, a.m.,**
34 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
35 **effective upon his approval or upon his failure to either approve or disapprove it within 48**
36 **hours of submittal.**

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38 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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42 **Wavalene M. Saunders, Legislative Chairwoman**

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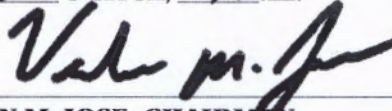
Page 3 of 3

APPROVED

on the 8 day of May, 2026

DISAPPROVED

at 10 o'clock, A.m.



VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 8 day of

May, 2026, at 10:00 o'clock, a.m.



Evonne Wilson, Legislative Secretary

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ACTION: GRANTING A GENERAL UTILITY EASEMENT TO THE TOHONO O'ODHAM UTILITY AUTHORITY FOR THE HOUSING PROJECT IN THE SAN MIGUEL COMMUNITY, CHUKUT KUK DISTRICT

MOVED: VICE CHAIRWOMAN MARLAKAY HENRY

SECOND: COUNCILWOMAN JANICE FELIX

DATE: MAY 04, 2026

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 251.2	1. WAVALENE M. SAUNDERS (<i>Absent</i>) (Mary Lopez) (<i>Present</i>) 2. FRANCIS HOMEWYTEWA ()	125.6 125.6	X X			X
SELLS 565.7	1. JANET B. ELEANDO () 2. EVELYN JUAN MANUEL (Juan Buendia)	282.85 282.85	X X			
SCHUK TOAK 195.3	1. THEORIA CAMPILLO (Rebecca Ann Valentine) 2. DELISA M. RAMON (Quintin C. Lopez)	97.65 97.65	X X			
SAN XAVIER 249.8	1. DANIEL L.A. PRESTON III () 2. JANICE FELIX ()	124.9 124.9	X X			
SAN LUCY 266.3	1. GLORIA M. RAMIREZ (Lorraine M. Eiler) 2. ROGER MANUEL (<i>Absent</i>) (Christina Andrews) (<i>Present</i>)	133.15 133.15	X X			X
PISINEMO 240.3	1. PAMELA J. BENAVIDEZ (Nora J. Ruelas) 2. NAOMI MONTE (Edward D. Manuel)	120.15 120.15	X X			
HICKIWAN 222.9	1. LOUIS R. LOPEZ (Loretta A. Ortega) 2. DELMA M. GARCIA ()	111.45 111.45	X X			
GU VO 279.6	1. LESLIE LUNA () 2. BENNETT CHEWING ()	139.8 139.8	X X			
GU ACHI 289.2	1. GLORIA JOHNSON () 2. LUCIUS E. LOPEZ (Victoria A. Hobbs)	144.6 144.6	X X			
CHUKUT KUK 361.9	1. MARLAKAY HENRY () 2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	180.95 180.95	X X			X
BABOQUIVARI 398.9	1. JESSE NAVARRO () 2. NED NORRIS, JR. (Leander Mase)	199.45 199.45	X X			
TOTAL		3,321.1	3,321.1	-0-	-0-	[03]