

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Water Settlement legislation - qualified approval of Tucson's
offer to lease Sif Oidak District's C.A.P. water
allocation)

RES. NO. 96-88

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2 WHEREAS, after District public hearing, the Sif Oidak District
3 Council passed Resolution No. 06-88 wherein it approved
4 one of the three proposed options presented to the
5 District (Option B) which would modify its Water
6 Settlement legislation pending before Congress by
7 Congress approving and authorizing the leasing of the
8 District's C.A.P. water allocation (8000 acre feet) to
9 the City of Tucson, provided certain terms and
10 conditions of the water lease can be successfully
11 negotiated; and

12 WHEREAS, after consideration of the three proposed options and
13 the District's Resolution No. 06-88, the Tohono O'Odham
14 Legislative Council passed its Resolution No. 62-88,
15 wherein it authorized the Water Resources Committee, Sif
16 Oidak District Council, and the Nation's attorney to
17 meet with the City of Tucson to begin discussion on
18 Option B as supported by the Sif Oidak District Council
19 per its Resolution No. 06-88; and

20 WHEREAS, on March 18, 1988, the Water Resources Committee, the
21 Sif Oidak District Council, the Nation's Chairman, the
22 Legislative Council's Chairperson, the Nation's attorney
23 and the Nation's lobbyist met with the City of Tucson's
24 attorney and discussed Option B and terms and conditions
25 that might be acceptable to the District and the Nation;
26 and

27 WHEREAS, by letter dated April 20, 1988, the Mayor of the City of
28 Tucson did submit a written offer for the leasing of the
29 District's C.A.P. water allocation (8000 acre feet)
30 subject to the District's and Nation's approval and the
31 enactment of legislation by the United States
32 authorizing the lease, a copy of said letter offer is
attached hereto and made a part hereof; and

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2 WHEREAS, the City of Tucson's offer changed the terms and
3 conditions of Option B with modification as to the
4 payment of the initial consideration, options regarding
5 the commencement date for delivery of the 8000 acre feet
6 of C.A.P. water, the right to assign the rights to
7 delivery of said water and extending the term of the
8 lease from 99 years to 100 years; and

9 WHEREAS, the Sif Oidak District Council objected to paragraph 6
10 of the City of Tucson's offer wherein the City would
11 acquire the right to assign its rights and obligations
12 under the Agreement with the Nation to any CAP
13 subcontractor and therefore by resolution No. 07-88,
14 rejected the City of Tucson's offer; and

15 WHEREAS, the Legislative Council believes that it would be in the
16 best interest of the District and the Nation if the City
17 of Tucson's offer is accepted, provided that the City
18 agrees to eliminate the right to assign its rights and
19 obligations under the agreement to any CAP subcontractor
20 as contained in paragraph 6 of the City of Tucson's
21 letter offer dated April 20, 1988; and

22 WHEREAS, if the City of Tucson agrees to the elimination of
23 paragraph 6 of its letter offer, this Legislative
24 Council believes it would be in the best interest of the
25 Nation and the District to authorize the existing water
26 settlement legislation now pending before Congress be
27 amended to include the authorization of this lease and
28 other necessary amendments to effectuate the City of
29 Tucson's offer and that said amended bill be introduced
30 in Congress as soon as possible as a substitute bill in
31 place of the existing Chuichu Water Settlement Bill.
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3 NOW, THEREFORE, BE IT RESOLVED that the Tohono O'Odham
4 Legislative Council does hereby accept the City of
5 Tucson's offer to lease 8000 acre feet of C.A.P. water
6 allocated to the Chuichu area of the Sif Oidak District
7 under the terms and conditions set forth in the Mayor of
8 the City of Tucson's letter dated April 20, 1988, a copy
9 of which is attached hereto and made a part hereof,
10 provided that the City of Tucson agrees to eliminate the
11 right to assign its rights and obligations under the
12 agreement to any CAP subcontractor as contained in
13 paragraph 6 of the City of Tucson's offer.

14 BE IT FURTHER RESOLVED that if the City of Tucson agrees to
15 eliminate paragraph 6 of its letter offer, this
16 Legislative Council authorizes the existing water
17 settlement legislation for the Chuichu area of the Sif
18 Oidak District now pending before Congress be amended to
19 include the authorization of this lease and other
20 necessary amendments to effectuate the City of Tucson's
21 offer and that said amended bill be introduced as soon
22 as possible as a substitute bill in place of the
23 existing Chuichu Water Settlement bill.

24
25 The foregoing resolution was passed by the Tohono O'odham Council
26 on the 27th day of April, 1988 at a meeting at which a quorum
27 was present with a vote of 1,071.5 for; 331.5 against; 237.0 not
28 voting; and 05 absent, pursuant to the powers vested in the
29 Council by Section 1 (f) of Article VI 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).

30 TOHONO O'ODHAM LEGISLATIVE COUNCIL

31
32 Andrew M. Patricio
For Harriet Toro, Legislative Chairperson
28 day of April, 1988.

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ATTEST:

Teresa M. Choyguha
Teresa M. Choyguha, Legislative Secretary
28th day of April, 1988.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 28 day of April, 1988, at 12:08 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

Andrew M. Patricio
For Harriet Toro, Legislative Chairperson

[] APPROVED) on the 28th day of April, 1988,
[] DISAPPROVED) at 2:27 o'clock, P.M.

Enos J. Francisco Jr.
ENOS J. FRANCISCO, JR., Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 28th day of April, 1988, at 2:28 o'clock, P.M.

Teresa M. Choyguha
Teresa M. Choyguha
Legislative Secretary

MOVED: WILLARD JUAN, SR.

SUBJECT: WATER SETTLEMENT LEGISLATION - QUALIFIED APPROVAL OF TUCSON'S OFFER TO LEASE SIF- Oidak DISTRICT'S C.A.P. WATER ALLOCATION

SECOND: NICHOLAS JOSE

DATE: APRIL 27, 1988

RESOLUTION ~~XXXXXXXXXX~~ # 96-88

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 138.0	1. Nicholas Jose (Letitia Garcia) 2. Willard Juan, Sr. (Melissa Gregorio)	69.0 69.0	X X			
SELLS 257.0	1. Andrew Patricio (Daniel Lopez) 2. Fred Stevens ()	128.5 128.5	X X			
SCHUK TOAK 105.0	1. Julia Carrillo (JoAnn Francisco) 2. Joseph Juan (Frances Francisco)	52.5 52.5	X X			X
SAN XAVIER 126.0	1. Eugene Enis (Michael Rios) 2. Tony Felix (Carmelita Mattias)	63.0 63.0		X X		
BABOQUIVARI 241.0	1. Kenneth Chico, Sr. () 2. Joann Garcia (Frances Miguel)	120.5 120.5		X	X	
GU ACHI 158.0	1. Percy Lopez () 2. Fernando Joaquin ()	79.0 79.0	X X			
PISINEMO 116.0	1. Johnson Jose () 2. Edward Manuel (Alex Antone)	58.0 58.0	X X			X
SAN LUCY 85.0	1. Max Jose (Dewey Ortega) 2. John Reno ()	42.5 42.5		X X		X
GU VO 117.0	1. Virgil Lewis (Roy Montana) 2. Cross Antone (Juan Joe Cipriano)	58.5 58.5			X X	X
HICKIWAN 128.0	1. Henry Ramon (Billy Manuel) 2. Lloyd Francisco (Eleanor Santos)	64.0 64.0	X X			X
CHUKUT KUK 169.0	1. Rosita Ruiz (Rosemary Lopez) 2. Harriet Toro ()	84.5 84.5	X X			
TOTALS		1640.0	1,071.5	331.5	237.0	05