

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Limited Delegation of Authority to the Chairman,  
Executive Branch for Granting Rights of Way  
and Easements)

RES. NO. 91-150

1  
2  
3 WHEREAS, the Tohono O'Odham Legislative Council is empowered by  
4 Article VI, Section 2(d) of the Tohono O'Odham  
5 Constitution "...To manage and lease or otherwise deal  
6 with lands, or interests in land, and resources of the  
7 Tohono O'Odham Nation, including the use, permit or lease  
8 of lands for mining purposes (including oil and gas), and  
9 the use, permit, lease, sale, or disposition of other  
10 resources (including surface and ground waters)..."; and

11 WHEREAS, the Tohono O'Odham Legislative Council, pursuant to  
12 Article VI, Section 1(f) of the same Constitution is  
13 empowered, "...To consult, negotiate and conclude  
14 agreements and contracts on behalf of the Tohono O'Odham  
15 Nation with Federal, state and local governments and other  
16 Indian Tribes or their departments, agencies or political  
17 subdivisions, or with private persons or organizations on  
18 all matters within the authority of the Tohono O'Odham  
19 Council..."; and

20 WHEREAS, the Tohono O'Odham Legislative Council does, from time to  
21 time, pursuant to the powers granted to it by the  
22 Constitution of the Tohono O'Odham Nation, enter into  
23 contracts, covenants and or grant agreements, with the  
24 Federal government, including the Indian Health Service  
25 (IHS), the Department of Housing and Urban Development,  
26 Community Development Block Grant Program (CDBG), the  
27 Environmental Protection Agency (EPA), and others, for the  
28 provision of community infrastructure facilities, housing

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

rehabilitation, historic preservation and economic  
development; and

WHEREAS, the Tohono O'Odham Legislative Council did approve  
applications, to CDBG, IHS and the EPA, for the following  
projects:

1990 CDBG Projects - (Resolution No. 51-90)

Sil Nakya Water, Wastewater Project  
Sikol Himatke Phase II Project

EPA Phase II - (Resolution No. 242-89)

WHEREAS, the performance of such agreements often requires the  
granting of an easement, right-of-way or lease, upon which  
to construct infrastructure or buildings; and

WHEREAS, review and approval of the project proposal, requiring  
such easement, right-of-way and/or lease, has been  
conducted, by the Tohono O'Odham Legislative Council,  
prior to authorization for submission of the proposal; and

WHEREAS, it is in the best interests of the Tohono O'Odham Nation,  
the Legislative Branch and the Executive Branch to  
delegate implementation and administration of subsequent  
contracts and or grants to the Chairman of the Tohono  
O'Odham Nation (Executive Branch).

NOW, THEREFORE, BE IT RESOLVED by the Tohono O'Odham Legislative  
Council that the Nation's Officials, to wit: the  
Chairman, the Vice-Chairman and any designated official,  
are hereby authorized to negotiate and grant easements(s)  
and or right(s)-of-way, necessary to the implementation  
and completion of projects, provided that the following

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

conditions are met:

1. The Project(s) must have been reviewed and approved, by the Community and District, in which it will be located.
2. The Project(s) must have been reviewed and approved, by the Tohono O'odham Legislative Council.
3. The Project(s) must be funded by the IHS, CDBG, EPA, or other Federal Agency or any combination thereof.
4. It was implicit in the grant or contract scope of work that the provision of some assignment of interest in land is necessary in order to complete the project(s).
5. The easement or right-of-way is granted to the IHS, CDBG, EPA for the purposes of planning, designing, constructing or otherwise completing the Project(s).
6. Such easement or right-of-way is not assignable to any other entity and shall dissolve at completion of the project unless specifically authorized by the Legislative Council.

The foregoing Resolution was passed by the Tohono O'odham Council on the 22nd day of April, 1991 at a meeting at which a quorum was present with a vote of 912.5 for; 206.0 against; 605.6 not voting; 05 absent, pursuant to the powers vested in the Council by Section 1(f) and Section 2(d) 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).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

*For Vigil*  
\_\_\_\_\_  
Edward D. Manuel, Legislative Chairman

22<sup>nd</sup> day of April, 1991.

ATTEST:

*Teresa M. Choygaha*  
\_\_\_\_\_  
Teresa M. Choygaha, Legislative Secretary

22<sup>nd</sup> day of April, 1991.

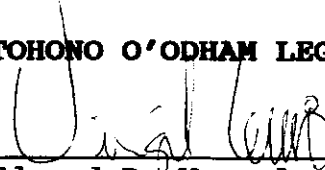
RES. NO. 91-150

(Limited Delegation of Authority to the Chairman,  
Executive Branch for Granting Rights of Way  
and Easements)

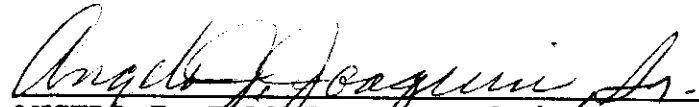
Page (4)

Said Resolution was submitted for approval to the office of the  
Chairman of the Tohono O'odham Nation on the 22<sup>nd</sup> day of  
April, 1991, at 5:27 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

  
Edward D. Manuel, Legislative Chairman

[  ] APPROVED ) on the 22 day of April, 1991,  
[  ] DISAPPROVED ) at 9:05 o'clock, P.M.

  
ANGELO J. JOAQUIN, SR., Chairman  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 23<sup>rd</sup> day of  
April, 1991, at 12:30 o'clock, A.M.

  
Teresa M. Choyguha  
Legislative Secretary

MOVED: COUNCILMAN WILLARD JUAN, SR.SUBJECT: LIMITED DELEGATION OF AUTHORITY TO THESECOND: COUNCILMAN JOSEPH JUANCHAIRMAN, EXECUTIVE BRANCH FOR GRANTING RIGHTS-OF-WAYDATE: APRIL 22, 1991AND EASEMENTS

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BADOQUIVARI 229.0	1. Earl A. Francisco (Kenneth Chico)	114.5	X			
	2. Joann Garcia (Frances Niquel)	114.5	X			
CHUKUT KUK 163.0	1. Rosita Ruiz (Rosemary Lopez)	81.5				
	2. Kenneth Williams (Harriet Toro)	81.5	X			
GU ACHI 166.0	1. Percy Lopez ( )	83.0				X
	2. Alex Ramon (Fernando Joaquin)	83.0				
GU VO 114.0	1. Cross Antone (Juan Joe Cipriano)	57.0				
	2. Virgil Lewis (Michael Flores)	57.0				
HICKIWAN 125.0	1. Lloyd Francisco (Billy C. Manuel)	62.5				
	2. Lenora Montana ( )	62.5				X
PISINENO 119.0	1. Johnson Jose ( )	59.5				
	2. Edward Manuel (Alex Antone)	59.5				X
SAN LUCY 106.0	1. Albert Manuel, Jr. (Max P. Jose)	53.0	X			
	2. John Reno ( )	53.0	X			X
SAN XAVIER 127.0	1. Eugene Enis, Sr. (Michael Rios)	63.5		X		X
	2. Joanne C. Preston (Carmelita Mattias)	63.5		X		
SCHUK TOAK 107.0	1. JoAnn Francisco (David Valenzuela, Sr)	53.5	X			
	2. Joseph Juan (Frances Francisco)	53.5	X			
SELLS 310.0	1. Joseph T. Joaquin (Larry Garcia)	155.0	X			
	2. Andrew Patricio (Daniel Lopez)	155.0	X			
SIF OIDAK 158.0	1. Mary Ann Antone (Mina Jose)	79.0		X		
	2. Willard Juan, Sr. (Melissa Gregorio)	79.0	X			
TOTAL		1,724.0	912.5	206.0	605.5	05

\*\*PASSED VOTES