

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Adopting Second Restated Plan of Operation for the  
Tohono O'Odham Utility Authority)

RES. NO. 91-175

1  
2 WHEREAS, the Papago Council, predecessor of the Tohono O'odham  
3 Legislative Council, did on May 8, 1970, by Resolution No.  
4 8-70, adopt a Plan of Operation for the Papago Tribal  
5 Utility Authority ("Authority") and did thereby create and  
6 establish the legal existence of the Authority; and

7 WHEREAS, since the creation of the Authority, the Legislative  
8 Council has on occasion amended the original Plan of  
9 Operation in order, inter alia, to increase its borrowing  
10 power, to change its fiscal year, and to expand its  
11 authority to provide telephone and cellular radio  
12 services; and

13 WHEREAS, in order to meet the requirements of the new Constitution  
14 of the Tohono O'Odham Nation and to facilitate the  
15 management and operation of the Authority, the Management  
16 Board of the Authority did recommend certain amendments  
17 to the Plan of Operation which were incorporated into a  
18 Restated Plan of Operation and which, inter alia, (1)  
19 would change the name of the Authority from Papago Tribal  
20 Utility Authority to Tohono O'Odham Utility Authority, (2)  
21 would grant to the Authority a general franchise or permit  
22 to use the lands and rights-of-way of the Tohono O'Odham  
23 Nation for utility purposes, (3) would alter the method  
24 by which the directors of the Management Board are  
25 appointed, and (4) would add certain fiscal and audit  
26 control provisions to the Plan of Operation, paralleling  
27 those recommended by the REA, the Authority's principal  
28 lender; and

1  
2 WHEREAS, the Legislative Council did by Resolution No. 328-90  
3 approve the amendments contained in the Restated Plan of  
4 Operation recommended by the Management Board of the  
5 Authority; and

6 WHEREAS, the Legislative Council did subsequently, by Resolution  
7 No. 447-90, express the concern that the general franchise  
8 or permit to use the unallotted lands of the Nation or the  
9 utility rights-of-way belonging to the Nation, granted to  
10 the Authority by Section 5 of the Restated Plan of  
11 Operation, were too broad; and

12 WHEREAS, the Management Board of the Authority has submitted a  
13 revised Section 5 which is incorporated into the attached  
14 Second Restated Plan of Operation and which will require  
15 the Authority to submit for prior review and approval of  
16 the Legislative Council and of each affected District  
17 Council any proposed utility easement - other than for  
18 individual lines defined in 24 C.F.R. §169.22 - on, over,  
19 under or across the unallotted lands of the Nation, and  
20 will further require the Authority to comply with all  
21 federal laws, with the laws of the Nation, and with any  
22 applicable District land use plan, both in its use of any  
23 easement on, over, under or across the unallotted lands  
24 of the Nation, and of any right-of-way belonging to the  
25 Nation; and

26 WHEREAS, the Commerce Committee of the Legislative Council has  
27 reviewed the revised Section 5 which is incorporated into  
28 the attached Second Restated Plan of Operation and has

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recommended approval thereof.

NOW, THEREFORE, BE IT RESOLVED by the Legislative Council that it  
does hereby approve the revisions to Section 5 contained  
in the attached Second Restated Plan of Operation, and  
does hereby adopt the Second Restated Plan of Operation  
for the Tohono O'odham Utility Authority, formerly known  
as the Papago Tribal Utility Authority.

The foregoing Resolution was passed by the Tohono O'odham Council  
on the 15th day of May, 1991 at a meeting at which a quorum was  
present with a vote of 1,088.0 for; 522.0 against; -0- not  
voting; 114.0 [6] absent, pursuant to the powers vested in the  
Council by Section 1(b)(c)(e) & (i) 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

Edward D. Manuel  
For Edward D. Manuel, Legislative Chairman

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

ATTEST:

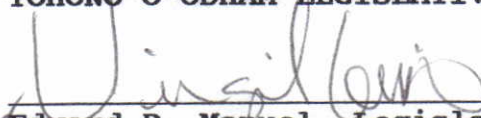
Teresa M. Choyguha  
Teresa M. Choyguha, Legislative Secretary

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

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  
May, 1991, at 11:25 o'clock, A.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.

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

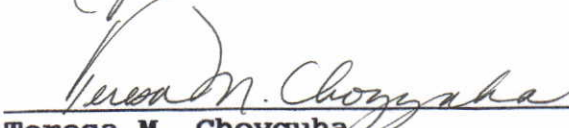
  
Edward D. Manuel, Legislative Chairman

[ ] APPROVED ) on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
[ ] DISAPPROVED) at \_\_\_\_\_ o'clock, \_\_\_\_ .M.

**EXCEEDED 48 HOURS**

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

Returned to the Legislative Secretary on the 24<sup>th</sup> day of  
May, 1991, at 4:58 o'clock, p.M.

  
Teresa M. Choyguha  
Legislative Secretary

MOVED: COUNCILWOMAN ROSITA RUIZSUBJECT: AMENDING THE RESTATED PLAN OF OPERATION OFSECOND: COUNCILMAN ALEX RAMONTHE TOHONO O'ODHAM UTILITY AUTHORITYDATE: MAY 15, 1991

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 229.0	1. Earl A. Francisco (Kenneth Chico)	114.5		X		X
	2. Joann Garcia (Frances Miquel)	114.5		X		
CHUKUT KUK 163.0	1. Rosita Ruiz (Rosemary Lopez)	81.5	X			
	2. Kenneth Williams (Harriet Toro)	81.5	X			
GU ACHI 166.0	1. Percy Lopez ( )	83.0	X			X
	2. Alex Ramon (Fernando Joaquin)	83.0	X			
GU VO 114.0	1. Juan Joe Cipriano	57.0				X
	2. Virgil Lewis (Michael Flores)	57.0				X
HICKIWAN 125.0	1. Lloyd Francisco (Billy C. Manuel)	62.5	X			
	2. Lenora Montana ( )	62.5	X			
PISINENO 119.0	1. Johnson Jose ( )	59.5	X			
	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			
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			X
	2. Andrew Patricio (Daniel Lopez)	155.0	X			
SIF OIDAK 158.0	1. Mary Ann Antone (Nina Jose)	79.0	X			
	2. Willard Juan, Sr. (Melissa Gregorio)	79.0	X			
TOTAL		1,724.0	1,088.0	522.0	-0-	114.0 [6]

\*\*PASSED VOTES