

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Granting Construction Rights of Way for the 1992 ICDBG Projects)**

**RES. NO. 92-290**

**WHEREAS,** *the following Communities and Districts have requested funding for projects from DHUD-ICDBG for FY-1992:*

*Big Fields/Sells Community Facilities  
Chui Chu/Sif Oidak Community Facilities  
Hickiwan/Hickiwan Community Facilities  
Lower Covered Wells/Gu Achi Community Facilities  
Nolia/Sells Community Facilities  
Pisinemo/Pisinemo Community Facilities  
San Simon/Pisinemo Community Facilities  
San Xavier/San Xavier Community Building*

**WHEREAS,** *it is in the best interests of the Nation, the respective Communities and the relevant Districts, that in order to expedite completion of the projects, that various forms of contracting be utilized, as is expedient, including force account, open competitive bidding and negotiation; and*

**WHEREAS,** *it is proposed that construction of the Big Fields, Chui Chu, Lower Covered Wells, Nolia, Pisinemo, and San Simon projects are proposed to be provided through force account, with the Tohono O'odham Utility Authority; and*

**WHEREAS,** *construction of the remaining projects will either be provided by force account activity with O'odham Construction and Materials or by open competitive bidding or negotiation.*

**NOW, THEREFORE, BE IT RESOLVED THAT** *the Tohono O'odham Nation does hereby grant Rights of Way to the various entities, yet to be*

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**(Granting Construcion Rights of Way for the 1992 ICDBG Projects)**

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*selected, to complete the projects, for the purposes of constructing the projects.*

**BE IT FURTHER RESOLVED THAT Construction Rights of Way are hereby granted to TOUA for the purposes of constructing the Big Fields, Chui Chu, Lower Covered Wells, Nolia, Pisinemo, and San Simon Projects.**

**BE IT FURTHER RESOLVED THAT Construction Rights of Way are hereby granted to the entity selected to complete the other projects.**

**BE IT FURTHER RESOLVED THAT the grant of such rights of way are contingent upon the actual award of funds to complete the projects and upon the selection of the entity chosen, through the Nation's procurement process, whether it be force account or open competitive bidding or negotiation.**

**BE IT FURTHER RESOLVED THAT the grant of such Rights of Way is solely and expressly for the completion of construction of such projects, except that TOUA may include provision of a telephone system or other utility line, within the respective Rights of Way, during the time the Construction Right of Way is in effect.**

**BE IT FURTHER RESOLVED THAT upon completion of the project, including "punch list" and any warranty period, the Rights of Way granted under this resolution shall expire and no longer be in force.**

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**BE IT FINALLY RESOLVED THAT the grant of such Rights of Way does not confer any other rights or interests except as expressly provided for in this Resolution.**

**The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 16th day of July, 1992 at a meeting at which a quorum was present with a vote of 1,182.5 FOR; 63.5 AGAINST; 79.0 NOT VOTING; and 399.0 [08] ABSENT, pursuant to the powers vested in the Council by Section 1 (c)(2)(d) & (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).**

**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

Janne C. Preston  
for Mary Ann Antone, Legislative Chairwoman

17<sup>th</sup> day of July, 1992

**ATTEST:**

Ysacinda Allen For:  
Teresa M. Choyguha, Legislative Secretary

17<sup>th</sup> day of July, 1992.

**Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 17<sup>th</sup> day of July, 1992, at 3:43 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.**

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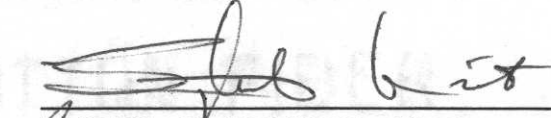
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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

  
\_\_\_\_\_  
for **Mary Ann Antone, Legislative Chairwoman**

**APPROVED** on the 17 day of July, 1992

**DISAPPROVED**) at 16:19 o'clock, P. .M.

  
\_\_\_\_\_  
**JOSIAH MOORE, Chairman**  
**TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 17<sup>th</sup> day of July,  
1992, at 4:58 o'clock, P. .M.

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

MOVED: COUNCILMAN JOHN RENOSUBJECT: GRANTING CONSTRUCTION RIGHTS OF WAY FOR THESECOND: COUNCILWOMAN ALBERTA LOPEZ1992 ICDBG PROJECTSDATE: JULY 16, 1992

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 163.0	1. Kenneth Williams (Harriet Toro)	81.5	X			
	2. Alberta M. Lopez (Berdella Jose)	81.5	X			
HICKIWAN 125.0	1. Lloyd Francisco (Billy C. Manuel)	62.5	X			
	2. Manuel Osequeda, Jr. ( )	62.5	X			
GU VO 114.0	1. Michael Flores	57.0				X
	2. Emilio Lewis (Anthony Flores)	57.0				X
SAN LUCY 106.0	1. Albert Manuel, Jr. (Max P. Jose)	53.0	X			
	** 2. John Reno ( )	53.0	X			
PISINEMO 119.0	1. Johnson Jose ( )	59.5				X
	2. Chester Antone (Fernando Valentine)	59.5				X
GU ACHI 166.0	1. Alex Ramon (Fernando Joaquin)	83.0				X
	2. Willard Anita ( )	83.0				X
BABOQUIVARI 229.0	1. Earl A. Francisco (Kenneth Chico, Sr.)	114.5	X			
	2. Frances Miguel ( )	114.5	X			
SAN XAVIER 127.0	1. Joanne C. Preston (Carmelita Mattias)	63.5		X		
	2. Eugene Enis, Sr. (Michael R. Rios)	63.5	X			
SCHUK TOAK 107.0	1. JoAnn Francisco (David Valenzuela Sr.)	53.5	X			X
	2. Frances Francisco (Joseph Juan)	53.5	X			
SELLS 310.0	1. Joseph T. Joaquin (Larry Garcia)	155.0	X			X
	2. Andrew Patricio (Lucille Encinas)	155.0	X			
SIF OIDAK 158.0	1. Mary Ann Antone (Nina Jose)	79.0			X	
	2. Willard Juan, Sr. (Delbert Thomas)	79.0	X			
TOTAL		1,724.0	1,182.5	63.5	79.0	399.0[08]

\*\*PASSED VOTES