

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Supporting Sells District Proposal for Expansion  
of the Sells Sewage Lagoons)**

**RESOLUTION NO. 93-016**

**WHEREAS, the Sells District and the community of Sells have had a long-standing need to expand and upgrade the existing sewage treatment lagoons located in Sells to adequately deal with the increased demand on the treatment system and to adequately protect the groundwater supply; and**

**WHEREAS, the Indian Health Service (IHS), an agency of the United States government, is prepared to undertake the expansion project of the sewage treatment lagoon facility; and**

**WHEREAS, IHS and the Environmental Protection Agency (EPA), through a grant program, are prepared to provide funding for the expansion project; and**

**WHEREAS, any expansion at the existing site will effect archeological properties; and**

**WHEREAS, IHS has proposed a Memorandum of Agreement as a plan of dealing with the archeological properties for compliance with the National Historic Preservation Act, 16 U.S.C §§470 et seq., which plan requires IHS, in consultation with the Nation and the Arizona State Historic Preservation Office to develop a data recovery plan for the recovery of archaeological data from the lagoon project; and**

**RESOLUTION NO. 93-016**

**(Supporting Sells District Proposal for Expansion  
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**Page 2 of 4**

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3 **WHEREAS, the Sells District, by District Council Resolution No. SD-121-92,**  
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5 **supports the Memorandum of Agreement proposed by IHS and**  
6 **wishes to be consulted in the development of the data recovery**  
7 **plan and the execution of that plan; and**

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9 **WHEREAS, the Sells District Council has requested the support of the**  
10 **Nation's Legislative Council for the proposed Sells sewage**  
11 **lagoon expansion project.**

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13 **NOW, THEREFORE, BE IT RESOLVED THAT:**

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1. **the Legislative Council supports the request of the Sells  
District Council and approves the proposal of IHS to expand  
the Sells sewage treatment lagoon facility as presented to the  
Legislative Council on January 7, 1993;**
  2. **IHS, their agents, employees and subcontractors shall  
comply with all applicable federal and tribal laws including  
the Nation's Archeological Resources Protection Ordinance,  
Ordinance 06-84;**
  3. **the Cultural Resource Committee of the Legislative Council,  
the Chairman of the Nation and the Chairman of the Sells  
District Council, are designated as the representatives of the  
Nation with the authority to develop, accept, and execute**

**RESOLUTION NO. 93-016**  
**(Supporting Sells District Proposal for Expansion**  
**of the Sells Sewage Lagoons)**  
**Page 3 of 4**

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the data recovery plan required by the Memorandum of Agreement; and

4. the Legislative Council approves the attached Memorandum of Agreement and authorizes the Nation's Chairman to execute the Memorandum of Agreement on behalf of the Tohono O'Odham Nation.

The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 7TH. day of JANUARY, 1993 at a meeting at which a quorum was present with a vote of 1,554.5 FOR; 106.0 AGAINST; 63.5 NOT VOTING; and 04 ABSENT, pursuant to the powers vested in the Council by Section 1 (i)(1) & (2) and 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**

Mary Ann Antone  
Mary Ann Antone, Legislative Chairwoman

11th day of January, 1993

**ATTEST:**

Terese M. Choyguha  
Terese M. Choyguha, Legislative Secretary

11th day of January, 1993.

RESOLUTION NO. 93-016  
(Supporting Sells District Proposal for Expansion  
of the Sells Sewage Lagoons)  
Page 4 of 4

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 11th day of January, 1993, at 1:52 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

Mary Ann Antone  
Mary Ann Antone, Legislative Chairwoman

APPROVED on the 13 day of January, 1993

DISAPPROVED) at 9:56 o'clock, A.M.

Josiah Moore  
JOSIAH MOORE, Chairman  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 13 day of January,  
1993, at 12:15 o'clock, P.M.

Teresa M. Choyguha  
Teresa M. Choyguha, Legislative Secretary

MOVED: COUNCILMAN ANDREW PATRICIO SUBJECT: SUPPORTING SELLS DISTRICT PROPOSAL FOR  
 SECOND: COUNCILMAN JOSEPH JOAQUIN EXPANSION OF THE SELLS SEWAGE LAGOONS  
 DATE: JANUARY 07, 1993

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 163.0	1. Kenneth Williams (Harriet Toro)	81.5	X			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			X
	2. Emilio Lewis (Anthony Flores)	57.0	X			
SAN LUCY 106.0	1. Albert Manuel, Jr. (Max P. Jose)	53.0		X		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			
	2. Frances Francisco (Joseph Juan)	53.5	X			
SELLS 310.0	1. Joseph T. Joaquin (Larry Garcia)	155.0	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			X
TOTAL		1,724.0	1,554.5	106.0	63.5	04

\*\*PASSED VOTES