

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Cooperative Agreement No. 3-FC-32-00200
Schuk Toak New Farm Predesign/Design)**

RESOLUTION NO. 93-356

WHEREAS, the Tohono O'Odham Nation operates the Water Projects Office to provide administrative services under P. L. 93-638 contracts with the Bureau of Reclamation ("Reclamation"), for completion of the farm projects contemplated under the Southern Arizona Water Rights Settlement Act of 1982; and

WHEREAS, for FY 1992, Reclamation failed to provide contract extensions requested by the Nation. The Tohono O'Odham Nation appealed the adverse decisions by the Bureau of Reclamation, through the Department of Interior; and

WHEREAS, the Nation approved budget proposals presented by the Water Projects Office for FY 1992 to enable the continued operation of the Water Projects Office; and

WHEREAS, the Water Projects Office submitted, to the Legislative Council, a proposed application for a new three-year contract under P. L. 93-638, as amended for FY 1993-1995. The proposal included staff salaries, support costs and subcontracts that would lead to completion of designs for the Schuk Toak New Farm and San Xavier Cooperative Farm Rehabilitation; and

WHEREAS, the Legislative Council, by Resolution 92-271, did approve the proposed application for a new three-year contract; and

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WHEREAS, in February of 1993, after extensive negotiations with Reclamation, the Nation submitted a P. L. 93-638 request to contract with Reclamation to complete the predesign and design work associated with the Nation's farm projects. The request contemplated a Cooperative Agreement for the administration of designs for the two farm projects; and

WHEREAS, Reclamation initially declined the Cooperative Agreement proposal, claiming that disputes over water rights between the San Xavier Allottees and the Nation prevented Reclamation from expending additional funds on the San Xavier project; Reclamation also claimed that there could not be a partial declination of the contract so they declined the Schuk Toak portion of the contract as well; and

WHEREAS, Reclamation ultimately allowed the Schuk Toak New Farm proposal to go forward while granting extensions to permit the Nation to reach agreements with the San Xavier District, San Xavier Allottee Association, and the San Xavier Cooperative Association which would allow the Cooperative Farm Rehabilitation to proceed. No agreement emerged as the

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extensions expired; therefore, the Reclamation declined the San Xavier Cooperative Farm Rehabilitation part of the proposal. The Nation filed an appeal of the declination and will pursue that project separately; and

WHEREAS, the Water Projects Office submitted a proposed budget and justification in the amount of \$4,284,999 for three years to be included in the P. L. 93-638 Cooperative Agreement with Reclamation for the Schuk Toak New Farm; and

WHEREAS, the Tohono O'Odham Nation continued negotiations with Reclamation as to the Schuk Toak New Farm proposal. As a result of much time and effort, the Nation reached partial consensus with Reclamation on the Cooperative Agreement document, associated Scopes of Work and Budgets to complete the predesign and design of the farm project which are attached as an Exhibit hereto; and

WHEREAS, Negotiations were undertaken to provide basic funding for FY 1994. Some items remain to be discussed in the next few months. Items approved for funding by Reclamation include salaries of existing personnel, some support costs, and consultant

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monies to complete the predesign reviews and initiate design efforts; and

WHEREAS, the Tohono O'Odham Nation wishes to continue its efforts toward the completion of designs on the Schuk Toak Farm and the implementation of SAWRSA, and to this end the Legislative Council did review the proposed Cooperative Agreement, Scope of Work and Budget; and

WHEREAS, the Legislative Council understands that this Agreement will provide immediate partial funding for FY 1994 and that further negotiation will take place between the Nation and Reclamation for additional funding and expansion of the scope of work consistent with the Nation's original proposal; and

WHEREAS, the Nation will seek reimbursement for allowable funds previously advanced by the Tohono O'Odham Nation to maintain operation of the Water Projects Office when Reclamation did not execute previous contract modifications or contract applications.

NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it does hereby approve the Cooperative

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Agreement, Scope of Work and Budget attached as an Exhibit hereto and further authorizes and directs the Chairman of the Nation to execute the Cooperative Agreement with the Bureau of Reclamation for completion of design of the Schuk Toak New Farm project which is in form and content substantially similar to that attached hereto.

BE IT FURTHER RESOLVED that the Nation shall seek reimbursement of funds previously advanced by the Nation for costs which are the responsibility of the Secretary of the Interior under SAWRSA.

BE IT FINALLY RESOLVED that the Tohono O'Odham Legislative Council hereby authorizes the Water Projects Office, the Executive Office and other departments to continue to negotiate with Reclamation to achieve full funding for the completion of the design of the Schuk Toak New Farm project and authorizes and directs the Chairman of the Nation to execute any modification to the Cooperative Agreement consistent with the Nation's original proposal for completion of pre-design and design of the Schuk Toak Farm for FY 94-96, as previously approved by this Council in Resolution No. 92-271 for FY 93-95.

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The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 29TH day of September, 1993 at a meeting at which a quorum was present with a vote of 1,289.5 FOR; 135.0 AGAINST; 338.5 NOT VOTING; and 04 ABSENT, pursuant to the powers vested in the 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).

TOHONO O'ODHAM LEGISLATIVE COUNCIL


For Alex J. Ramon, Legislative Chairman

30 day of Sept., 19 93

ATTEST:


Teresa M. Choyguha, Legislative Secretary

30th day of September, 19 93.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 30 day of Sept., 19 93, at 5:11 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


For Alex J. Ramon, Legislative Chairman

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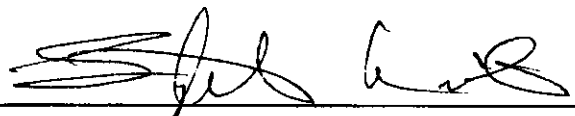
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APPROVED on the 30 day of September, 1993

DISAPPROVED at 5.50 o'clock, P. .M.



**SYLVESTER LISTO, Chairman
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 15th day of October,

1993, at 8:48 o'clock, A. .M.



Teresa M. Choyguha, Legislative Secretary

ACTION: APPROVING COOPERATIVE AGREEMENT NO. 3-FC-32-00200 SCHUK TOAK NEW FARM
PREDESIGN/DESIGN

MOVED: COUNCILMAN JOHN RENO

SECOND: COUNCILWOMAN ALBERTA LOPEZ

DATE: SEPTEMBER 29, 1993

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 151.0	1. WILLARD JUAN, SR. (Delbert Thomas)	75.5	X			
	2. MARY ANN ANTONE (Nellie Miguel)	75.5			X	
SELLS 290.0	1. ANDREW M. PATRICIO (Lucille Encinas)	145.0	X			
	2. JOSEPH T. JOAQUIN (Allen W. Garica, Jr.)	145.0	X			X
SCHUK TOAK 113.0	1. FRANCES FRANCISCO ()	56.5	X			
	2. KENNETH J. ANTONE ()	56.5	X			X
SAN XAVIER 135.0	1. EUGENE ENIS, SR. ** ()	67.5		X		
	2. DENNIS RAMON ()	67.5		X		
BABOQUIVARI 230.0	1. FRANCES MIGUEL ()	115.0	X			
	2. EARL A. FRANCISCO (Lucilda Norris)	115.0	X			
GU ACHI 180.0	1. WILLARD ANITA ()	90.0			X	
	2. ALEX J. RAMON (Marian Johnson)	90.0	X			
PISINEMO 128.0	1. CHESTER ANTONE (Fernando Valentine)	64.0	X			
	2. JOHNSON M. JOSE (Roseleen Antone)	64.0	X			X
SAN LUCY 98.0	1. JOHN RENO ()	49.0	X			
	2. ALBERT MANUEL, JR. (Ernestine Marquez)	49.0			X	
GU VO 124.0	1. EMILIO LEWIS ()	62.0			X	
	2. MICHAEL FLORES (Fern Salcido)	62.0			X	
HICKIWAN 136.0	1. MANUEL OSEQUEDA, JR. ()	68.0	X			X
	2. LLOYD FRANCISCO (Henry A. Ramon)	68.0	X			
CHUKUT KUK 178.0	1. ALBERTA M. LOPEZ (Berdella Jose)	89.0	X			
	2. KENNETH WILLIAMS ()	89.0	X			
TOTAL		1,763.0	1,289.5	135.0	338.5	04

**PASSED VOTES