

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Schuk Toak Farm Development Transfer of Responsibility to
Schuk Toak District)**

**DEFEATED
RESOLUTION NO. 95-434**

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4 **WHEREAS, the Southern Arizona Water Rights Settlement Act of 1982 awards**
5
6 **to the Tohono O'odham Nation 10,800 acre-feet of CAP water and**
7
8 **5,200 acre-feet of additional water suitable for agriculture for**
9 **delivery to the Schuk Toak District to settle damages experienced**
10 **by that portion of the District located within the Tucson Active**
11 **Management Area; and**

12
13 **WHEREAS, the Tohono O'odham Nation entered into a contract with the United**
14 **States dated October 11, 1983 for delivery of CAP water; and**

15
16 **WHEREAS, the District participated in the planning efforts to determine the**
17 **use of the water supply and decided to utilize the CAP portion to**
18 **serve a new farm located on the Garcia Strip (Res. No. ST 07-87);**
19
20
21 **and**

22
23 **WHEREAS, the Tohono O'odham Nation passed Resolution No. 253-87 in**
24 **support of the District's decision to proceed with the development**
25 **plan; and**
26
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4 did not gain District approval prior to executing the contract and
5 has not coordinated with the District since execution. The Water
6 Projects Office has denied the District information and intends on
7 contracting out all construction activities; and
8

9
10 **WHEREAS,** the Farm Board was reinstated on May 5, 1995 with newly
11 appointed directors after the management staff of 13 years was
12 terminated. Activities undertaken by the new Board demonstrate
13 a lack of concern for cooperating with the District; and
14

15
16 **WHEREAS,** the District desires to continue its leadership role in making
17 decisions regarding the use of its land and the new farm enterprise
18 as provided for under the Nation's Constitution; and
19

20
21 **WHEREAS,** the District further desires that the new farm be designed,
22 constructed, and operated to the greatest practical benefit of the
23 District and the Tribal membership through the creation of
24 employment and educational opportunities provided under the
25 Indian Self-Determination and Education Assistance Act; and
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4 **WHEREAS,** further planning and coordination between the District, Nation and
5
6 Farming Authority resulted in a decision that the Farming Authority
7
8 would construct portions of the new farm through force account
9
10 and enter into an agreement with the Bureau of Reclamation to
11 finance that portion of the farm not granted under SAWRSA; and

12 **WHEREAS,** in 1990, the planning and design of the farm was delayed past the
13
14 water delivery date of October 12, 1992 due to water rights issues
15
16 in the San Xavier District; and

17 **WHEREAS,** amendments to SAWRSA provided that progress on the Schuk Toak
18
19 Farm could proceed independent of San Xavier; and

20 **WHEREAS,** the Management Board of the Farm Authority was dissolved in
21
22 October 1993 pending an investigation by the Legislative Council;
23
24 and

25 **WHEREAS,** the Water Projects Office entered into a 3-year contract with Cella
26
27 Barr and Associates dated May 11, 1994 to review designs and
28 complete final designs of the new farm. The Water Projects Office

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4 **WHEREAS,** the District has invested significant time and resources in evaluating
5
6 opportunities afforded it under the Settlement Act and the Nation's
7
8 Constitution; and

9 **WHEREAS,** the District has presented to the Tohono O'odham Legislative
10
11 Council its plans and schedules in reference to the Schuk Toak
12
13 Farm Development and understands that no farm construction
14
15 activity will be allowed on District land unless under the direct
16
17 control of the Schuk Toak District Council; and

18 **NOW, THEREFORE, BE IT RESOLVED** by the Tohono O'odham Legislative
19
20 Council does hereby approve the transfer of responsibility of the
21
22 Schuk Toak Farm Development to the Schuk Toak District along
23
24 with the implementation of the following recommendations.

- 25 1. The Water Projects Office be directed to work closely and
26 cooperate with the District to continue the planning and design
27 process and develop a force-account construction program.
- 28 2. Program activities be transferred from the Water Projects

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Office as the lead agency to the Schuk Toak District prior to the completion of final designs.

3. Modify the current 638 contract to include District participation.

4. Authorize \$150,000 to repay District expenses, initiate hiring, purchase equipment, and continue its project implementation work.

5. Execute the 638 construction management contract on behalf of the District.

6. Authorize the District to execute the Small Reclamation Projects Act (SRPA) loan approved by the Bureau of Reclamation.

7. Resolve to repay the federal loan from the SAWRSA development trust in accordance with a negotiated payment schedule to alleviate concerns regarding investment and

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4 repayment obligations associated with force-account construction.

5 8. Transfer \$7,579,977 (plus escalation in the amount of 4%
6 annually since the loan application was prepared in 1990) from
7 the development trust fund to the District to secure the loan.

8 9. Consider additional funding as needed to assist in training

9 Tribal members prior to and during construction.

10 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council

11 understands that the Schuk Toak will take all actions necessary to

12 relieve the Water Projects Office of its responsibilities relative to

13 the use of District land unless there is a significant improvement in

14 working relations. This includes prior District approval of any item

15 acted upon by the Nation's Legislative Council.

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20 The foregoing Resolution was presented to the Tohono O'Odham Council on the
21 14TH. day of SEPTEMBER, 1995 at a meeting at which a quorum was present
22 and by a vote of 374.0 FOR; 1,502.0 AGAINST; -0- NOT VOTING; and [08]
23 ABSENT, failed to pass because it did not receive a majority of the votes casts
24 as required by Section 2 of Article V of the Constitution of the Tohono O'odham
25 Nation.

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Dennis Ramon
for Dennis Ramon, Legislative Chairman

21st day of September, 1995

ATTEST:

Frances Antone
Frances Antone, Legislative Secretary

19th day of September, 1995

DEFEATED

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ACTION: SCHUK TOAK FARM DEVELOPMENT TRANSFER OF RESPONSIBILITY TO SCHUK TOAK DISTRICT

MOVED: COUNCILMAN KENNETH ANTONE

SECOND: COUNCILMAN EDWARD KISTO

DATE: SEPTEMBER 14, 1995

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 160.0	1. MARY ANN ANTONE (Nellie Miguel)	80.0		X		X
	2. RITA MARTINEZ (Maxine Norris)	80.0		X		
SELLS 314.0	1. JOSEPH T. JOAQUIN (Allen W. Garcia, Jr.)	157.0		X		X
	2. LUCILLE ENCINAS (Cynthia Chico)	157.0		X		
SCHUK TOAK 117.0	1. KENNETH J. ANTONE ()	58.5	X			
	2. MARY JANE JUAN-MOORE ()	58.5	X			X
SAN XAVIER 142.0	1. DENNIS RAMON ()	71.0		X		X
	2. TONY BURRELL ()	71.0		X		
BABOQUIVARI 257.0	1. EDWARD KISTO (Idella Stanley)	128.5	X			
	2. FRANCES MIGUEL (Kenneth Chico, Sr.)	128.5	X			X
GU ACHI 187.0	1. ALEX J. RAMON (Marian Johnson)	93.5		X		
	2. WILLARD ANITA (Louis Johnson)	93.5		X		
PISINEMO 135.0	1. JOHNSON JOSE (Roseleen Antone)	67.5		X		X
	2. BARBARA SALVICIO ()	67.5		X		
SAN LUCY 105.0	1. ALBERT MANUEL, JR. ()	52.5		X		X
	2. JOHN RENO (Mary Hoffman)	52.5		X		
GU VO 134.0	1. MICHAEL FLORES ()	67.0		X		
	2. FERN SALCIDO (Larry Montana)	67.0		X		
HICKIWAN 142.0	1. LLOYD FRANCISCO ()	71.0		X		
	2. ALEX JOSE ()	71.0		X		
CHUKUT KUK 183.0	1. KENNETH WILLIAMS ()	91.5		X		X
	2. DAVID GARCIA (Marvin Thomas)	91.5		X		
TOTAL		1,876.0	374.0	1,502.0	-0-	[08]

**PASSED VOTES