

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Modifying and Amending Resolution No. 95-141)**

RESOLUTION NO. 96-116

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WHEREAS, on the 3rd day of April, 1995, this Council did enact Resolution No. 95-141 regarding the Water Projects Office Grant Agreement proposal for construction of irrigation facilities and systems at the Schuk Toak new farms, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Council believes that it would be in the best interest of the Nation and the Schuk Toak District if Resolution No. 95-141 is modified and amended to (1) require the renegotiations of the P.L. 93-638 Agreement Proposal developed by the Water Project Office totaling approximately 23.4 million dollars over the next four (4) years from a Cost Reimbursable Agreement to a Fixed Price Agreement; (2) delegate all construction responsibility to the Tohono O'odham Farming Authority but retaining all responsibility for the monitoring of the construction with the Water Projects Office; and (3) direct that the Water Projects Office and the Tohono O'odham Farming Authority proceed with the renegotiations to finalize the proposed P.L. 93-638 Fixed Price Construction Agreement attached

RESOLUTION NO. 96-116

(Modifying and Amending Resolution No. 95-141)

Page 2 of 7

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hereto and made a part hereof; and

WHEREAS, the Tohono O'odham Farming Authority has assured the Council that the time required to renegotiate and finalize the necessary modification and amendments to the previously executed agreement, entitled: "Grant Agreement Between the Tohono O'odham Nation and the United States Department of the Interior Bureau of Reclamation Arizona Projects Office, " to comply with the above Whereas Clause, including the necessary demonstration that the Farming Authority possesses the financial and technical expertise outlined in the P.L. 638 regulations, would not exceed sixty (60) days from date of enactment of this resolution; and

WHEREAS, the Farming Authority, to meet the concerns of the Water Resources Committee, and the Agricultural Committee, will within seven (7) days from date of enactment of this Resolution, acquire a written statement from the Bureau of Reclamation stating that the above modification and amendments to the Grant Agreement will not unduly delay the project or jeopardize the project funding and can

RESOLUTION NO. 96-116

(Modifying and Amending Resolution No. 95-141)

Page 3 of 7

be finalized within a sixty (60) day period.

NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council

that it does hereby modify and amend Resolution No. 95-141:

- (1) by withdrawing its approval of the P.L. 93-638 Cost Reimbursable Agreement proposal developed by the Water Project Office and hereby approves the P.L. 93-638 Fixed Price Agreement proposal attached hereto and made a part hereof and authorize expenditures in accordance with the budget attached thereto;
- (2) to delegate all construction responsibilities to the Tohono O'odham Farming Authority for the construction of the Schuk Toak Agriculture project including but not limited to the CAP delivery system and irrigation facilities and systems;
- (3) to retain all responsibility for the monitoring of the construction with the Water Project Office in accordance with the approved budget attached to the P.L. 93-638 Fixed Price Agreement proposal.

RESOLUTION NO. 96-116

(Modifying and Amending Resolution No. 95-141)

1 **Page 4 of 7**

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3 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council hereby
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5 authorizes and directs the Water Projects Office, the Tohono
6 O'odham Farming Authority, and the Chairman of the Nation to
7 submit the P.L. 93-638 Fixed Price Agreement proposal with all
8 relevant attachments to the Secretary of the Interior and to proceed
9 with negotiations to finalize an Agreement which is in form and
10 content substantially similar to that attached hereto.
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13 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council hereby
14 authorizes the Water Projects Office, the Tohono O'odham Farming
15 Authority, the Executive Office and other departments to continue
16 to negotiate with the Secretary of the Interior, or his agents, to
17 achieve full funding for the completion of the construction of the
18 Schuk Toak New Farm project and further authorizes and directs
19 the Chairman of the Nation to execute any modification to the Grant
20 Agreement Proposal consistent with the attached original proposal
21 for completion of construction of the Schuk Toak New Farm for FY
22 1996 - 1999.
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RESOLUTION NO. 96-116

(Modifying and Amending Resolution No. 95-141)

1 Page 5 of 7

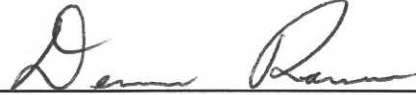
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3 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council hereby
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5 authorizes the Farming Authority to acquire a written statement
6 from the Bureau of Reclamation stating that the modification and
7 amendments to the above-mentioned Grant Agreement necessary to
8 comply with the intent of this resolution will not exceed sixty (60)
9 days from the date of enactment of this resolution to the day of
10 finalization and that this time frame will not unduly delay the
11 project or jeopardize the project funding. In the event this written
12 statement is not received by the Chairman of the Nation within
13 seven (7) days of the date of enactment of this resolution, this
14 resolution shall be automatically revoked and of no legal affect.
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20 The foregoing Resolution was passed by the Tohono O'Odham Council on the
21 14TH day of MARCH, 1996 at a meeting at which a quorum was present with a
22 vote 1,426.5 FOR; 344.5 AGAINST; -0- NOT VOTING; and 105.0 [06] ABSENT,
23 pursuant to the powers vested in the Council by Article VI Section 1(b), (e) & (i)
24 of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono
25 O'Odham Nation on January 18, 1986; and approved by the Acting Deputy
26 Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to
27 Section 16 of the Act of June 18, 1934 (48 Stat. 984).
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RESOLUTION NO. 96-116
(Modifying and Amending Resolution No. 95-141)

Page 6 of 7

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Dennis Ramon, Legislative Chairman

14th day of March, 1996

ATTEST:



Frances Antone, Legislative Secretary

14th day of March, 1996

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 14th day of March, 1996 at 5:08 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



Dennis Ramon, Legislative Chairman

RESOLUTION NO. 96-116

(Modifying and Amending Resolution No. 95-141)

1 Page 7 of 7

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3 APPROVED

on the 14th day of March, 1996

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5 DISAPPROVED

at 5:36 o'clock, P.M.

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**EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION**

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12 Returned to the Legislative Secretary on the 15th day of

13 March, 1996, at 8:18 o'clock, A.M.

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Frances Antone, Legislative Secretary

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ACTION: MODIFYING AND AMENDING RESOLUTION NO. 95-141

MOVED: COUNCILMAN TONY BURRELL

SECOND: COUNCILWOMAN LUCILLE ENCINAS

DATE: MARCH 14, 1996

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF ODAK 160.0	1. MARY ANN ANTONE (Nellie Miguel)	80.0		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		X
	2. MARY JANE JUAN-MOORE ()	58.5		X		
SAN XAVIER 142.0	1. DENNIS RAMON ()	71.0	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. WILLARD ANITA (Louis Johnson)	93.5	X			X
	2. ALEX J. RAMON (Marian Johnson)	93.5	X			
PISINEMO 135.0	1. JOHNSON JOSE (Roseleen Antone)	67.5		X		
	2. BARBARA SALVICIO ()	67.5	X			
SAN LUCY 105.0	1. ALBERT MANUEL, JR. ()	52.5				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			
	2. DAVID GARCIA (Marvin Thomas)	91.5	X			
TOTAL		1,876.0	1,426.5	344.5	-0-	105.0 [06]

**PASSED VOICES