

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

RESOLUTION NO. 96-210

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4 **WHEREAS, on the 3rd day of April, 1995, this Council did enact Resolution No.**
5 **95-141 regarding the Water Projects Office Grant Agreement proposal**
6 **for construction of irrigation facilities and systems at the Schuk Toak**
7 **new farms, a copy of which is attached hereto and made a part**
8 **hereof; and**

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11 **WHEREAS, Grant Agreement No. 6-FG-32-00100 allows the Nation via the Water**
12 **Projects Office to award construction contracts to the Nation's**
13 **Farming Authority; and**

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16 **WHEREAS, the Nation's Chairman has directed the Water Projects Office and the**
17 **Farming Authority to enter into an agreement for the construction**
18 **of the pipeline water delivery system utilizing the Farming Authority**
19 **as the constructor; and**

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21 **WHEREAS, the Water Projects Office has completed the design and contract**
22 **documents for the construction of the pipeline water delivery system**
23 **from the Central Arizona Project canal onto the farm; and**

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26 **WHEREAS, that the Water Projects Office and the Farming Authority have**
27 **agreed on all matters in the Contract for the construction of the**
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3 pipeline water delivery system including the Contract dollar amount
4 with the exception of the requirements for the implementation of
5 the Miller Act, the Davis-Bacon Act and Contract Award-Sealed
6 Bidding; and
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9 **WHEREAS,** the requirements of the Miller Act, the David-Bacon Act and the
10 Contract Award Sealed-Bidding are excessive, burdensome and not a
11 Statutory Requirement.
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13 **NOW, THEREFORE, BE IT RESOLVED** by the Tohono O'odham Legislative Council
14 that it does hereby clarify, modify and amend Resolution 95-141 that
15 approved the Grant Agreement mentioned herein above to the extent
16 allowable by law and deletes any requirement for the
17 implementation of the Davis-Bacon Act, the Miller Act and the
18 Contract Award-Sealed Bidding provided that the Farming Authority,
19 a wholly owned entity of the Nation, is awarded the Contracts.
20 However, any subcontractors would require the implementation of
21 the Davis Bacon Act, the Miller Act and the Contract Award-Sealed
22 Bidding.
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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 Farming
6 Authority and the Chairman of the Nation to proceed with the
7 negotiations to finalize an agreement that delegates all construction
8 responsibilities to the Tohono O'odham Farming Authority for the
9 construction of the Schuk Toak Agricultural Project, including, but
10 limited to the CAP water delivery system and irrigation facilities and
11 systems.
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15 The foregoing Resolution was passed by the Tohono O'Odham Council on the
16 14TH day of MAY, 1996 at a meeting at which a quorum was present with a vote
17 1,227.0 FOR; 485.5 AGAINST; 58.5 NOT VOTING; and 105.0 [07] ABSENT, pursuant
18 to the powers vested in the Council by Article VI, Section 1 (b), (e), (i) of the
19 Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham
20 Nation on January 18, 1986; and approved by the Acting Deputy Assistant
21 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16
22 of the Act of June 18, 1934 (48 Stat. 984).

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25 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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27 _____
28 **Dennis Ramon, Legislative Chairman**

14th day of May, 1996

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3 **ATTEST:**

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Frances Antone

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Frances Antone, Legislative Secretary

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14th day of May, 1996

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 14th day of May, 1996 at 2:44 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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TOHONO O'ODHAM LEGISLATIVE COUNCIL

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Dennis Ramon

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Dennis Ramon, Legislative Chairman

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APPROVED

on the 16th day of May, 1996

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DISAPPROVED

at 12:45 o'clock, P.M.

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Edward D. Manuel

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EDWARD D. MANUEL, Chairman

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TOHONO O'ODHAM NATION

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3 Returned to the Legislative Secretary on the 16th day of

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5 May, 1996, at 1:20 o'clock, P.M.

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Frances Antone

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Frances Antone, Legislative Secretary

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ACTION: CLARIFYING, MODIFYING AND AMENDING RESOLUTION NO. 95-141

MOVED: VICE CHAIRMAN ALEX J. RAMON

SECOND: COUNCILWOMAN FERN SALCIDO

DATE: MAY 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		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. JOSEPH JUAN ()	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		
GU ACHI 187.0	1. WILLARD ANITA (Louis Johnson)	93.5				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			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			X
TOTAL		1,876.0	1,227.0	485.5	58.5	105.0 [07]

**PASSED VOTES