

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Correcting Typographical Errors in Resolution No. 96-280)**

**RESOLUTION NO. 98-425**

**WHEREAS, Tohono O'odham Legislative Council Resolution No. 96-280 was passed on July 10, 1996 but contained several typographical errors; and**

**WHEREAS, the reference to the "Bureau of Indian Affairs to extend the" in the "Be It Resolved" clause should read "Bureau of Reclamation to contract", and the reference to "October 1, 1996 through September 30, 1996" in the "Be It Further Resolved" clause should read "October 1, 1996 through September 30, 1999"; and**

**WHEREAS, the Tohono O'odham Legislative Council wishes to correct these typographical errors and to pass the resolution in its corrected form.**

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

- 1. The Tohono O'odham Legislative Council re-enacts Resolution No. 96-280 in its corrected form as it appears below.**
- 2. The corrected form of Resolution No. 96-280 is effective as of July 11, 1996, the date on which the original resolution was signed by the Chairman of the Nation.**

**CORRECTED FORM OF RESOLUTION NO. 96-280**

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Authorizing Negotiation of P.L. 93-638 Contract with the Department  
of Interior Bureau of Reclamation)**

**RESOLUTION NO. 96-280**

**WHEREAS, the Tohono O'odham Nation is committed to maximum participation in P.L. 93-638 contracting; and**

**WHEREAS, such tribal operations have been successful and beneficial to the Tohono O'odham Nation and its people; and**

**WHEREAS, the Nation has identified certain programs, functions, services and**

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activities which the Nation wishes to contract and for which federal funds are available; and

**WHEREAS, the Tohono O'odham Nation does desire to negotiate the following contract for provision of services during Fiscal Year 1997.**

- 1. Water Resources**
- 2. Other programs as identified in the Annual Funding Agreement referred to in Attachment 2.**

**WHEREAS, the extension of the contract is solely based on funding needs; and**

**WHEREAS, the Tohono O'odham Legislative Council finds that the Secretary has historically not provided adequate funding to operate our programs as needed.**

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

- 1. The Tohono O'odham Legislative Council does authorize and request the Bureau of Reclamation to contract with the Tohono O'odham Nation under P.L. 93-638 (as amended) regulations and procedures for the provision of services:**
  - a. Water Resources**
  - b. Other programs as identified in the Annual Funding Agreement referred to in Attachment 2.**
- 2. The Chairman is authorized to initiate all available legal remedies in the event of a Secretarial declination of all or any severable section of the contract.**
- 3. The Tohono O'odham Nation Officials, to wit: the Chairman and any designated official are hereby authorized to negotiate and execute the contract provided however, that any amendments affecting the funding or funding levels of the contract shall be submitted for further prior approval by this Council.**

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2 **BE IT FURTHER RESOLVED** that the duration of this renewal shall commence on October  
3 **1, 1996 through September 30, 1999 and the Annual Funding Agreement**  
4 **(AFA) shall be negotiated annually.**

5 **BE IT FURTHER RESOLVED** that the Secretary of the Interior shall identify and  
6 **adequately fund the contract listed above, regardless of the source of such**  
7 **funds, except that such allocation shall not negatively impact other**  
8 **proposals for funds from the Tohono O'odham Nation and presently before**  
9 **the Secretary.**

10 **BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that the Tohono  
11 **O'odham Nation will not fund or operate the programs in the interim while**  
12 **negotiations are still being conducted and no executed contract has been**  
13 **approved by the Bureau of Reclamation, unless the agency authorizes and**  
14 **approves pre-award costs consistent with the Indian Self-Determination**  
15 **Act and amendments.**

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17 **The foregoing Resolution was passed by the Tohono O'odham Council on the 23RD. day**  
18 **of SEPTEMBER, 1998 at a meeting at which a quorum was present with a vote of 1,846.5**  
19 **FOR; -0- AGAINST; 80.5 NOT VOTING; and [02] ABSENT, pursuant to the powers vested in**  
20 **the Council by Section 1 (f) of Article VI of the Constitution of the Tohono O'Odham**  
21 **Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by**  
22 **the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986,**  
23 **pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

24 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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27 **Dennis Ramon, Legislative Chairman**

28 **28<sup>th</sup> day of September, 1998**

29 **ATTEST:**

30   
31 **Julianna Saraficio, Acting Legislative Secretary**

32 **23<sup>rd</sup> day of September, 1998.**

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 28<sup>th</sup> day of September, 19 98 at 9:44 o'clock, A.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

APPROVED on the 29 day of September, 1998

DISAPPROVED at 1:40 o'clock, P.M.

  
EDWARD D. MANUEL, Chairman  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 29<sup>th</sup> day of September, 19 98, at 3:38 o'clock, P.M.

  
Julianna Saraficio, Acting Legislative Secretary

ACTION: CORRECTING TYPOGRAPHICAL ERRORS IN RESOLUTION NO. 96-280

MOVED: VICE CHAIRMAN ALBERT MANUEL, JR.

SECOND: COUNCILMAN TONY BURRELL

DATE: SEPTEMBER 23, 1998

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 189.0	1. DAVID GARCIA (Marvin Thomas)	94.5	X			
	2. KENNETH WILLIAMS (Arnold F. Smith Sr.)	94.5	X			
HICKIWAN 146.0	1. ALEX JOSE ( )	73.0	X			
	2. LLOYD FRANCISCO (Susan Sam)	73.0	X			
GU VO 142.0	1. FERN SALCIDO (Larry Montana)	71.0	X			
	2. GLORIA MONTANA (Phillip Antone)	71.0	X			X
SAN LUCY 114.0	1. JOHN RENO (Mary Hoffman)	57.0	X			
	2. ALBERT MANUEL, JR. (Jana Montana)	57.0	X			
PISINEMO 139.0	1. BARBARA SALVICIO ( )	69.5	X			
	2. JOHNSON JOSE ( )	69.5	X			
GU ACHI 190.0	1. LOUIS JOHNSON** ( )	95.0	X			
	2. ALEX J. RAMON ( )	95.0	X			
BABOQUIVARI 258.0	1. FRANCES MIGUEL ( )	129.0	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	129.0	X			
SAN XAVIER 146.0	1. TONY BURRELL ( )	73.0	X			
	2. DENNIS RAMON ( )	73.0	X			
SCHUK TOAK 120.0	1. JOSEPH JUAN ( )	60.0	X			
	2. AMBROSE ENCINAS ( )	60.0	X			
SELLS 322.0	1. DENNIS E. JOSE ( )	161.0	X			
	2. EVELYN JUAN ( )	161.0	X			X
SIF OIDAK 161.0	1. RITA MARTINEZ (Maxine Norris)	80.5	X			
	2. MARY ANN ANTONE (Darlene Andrew)	80.5			X	
<b>TOTAL</b>		<b>1,927.0</b>	<b>1,846.5</b>	<b>-0-</b>	<b>80.5</b>	<b>[02]</b>

\*\*PASSED VOTES