

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Passive Microwave Reflector Lease between the Tohono
O'odham Nation and U S WEST Communications, Inc. within
Schuk Toak District)

DEFEATED
RESOLUTION NO. 99-083

- 1 **WHEREAS, the Tohono O'odham Nation leased 625 square feet of land in the Schuk**
2 **Toak District to the Mountain States Telephone and Telegraph Company**
3 **(now known as "U S WEST Communications, Inc.") for a passive**
4 **microwave reflector which the BIA approved on November 26, 1973. See**
5 **November 1973 lease and supporting documents (Legislative Council and**
6 **Schuk Toak District resolutions, 2 maps and an environmental analysis)**
7 **which is attached as exhibit "1" and incorporated herein by this reference;**
8 **and**
- 9 **WHEREAS, the 1973 lease commenced on November 26, 1973 and ended on November**
10 **25, 1998; and**
- 11 **WHEREAS, under the 1973 lease the BIA allocated 50% of the annual rental to the**
12 **Nation and the remaining 50% to the Schuk Toak District. See letter from**
13 **Papago Agency which is attached as exhibit "2" and incorporated herein**
14 **by this reference; and**
- 15 **WHEREAS, a proposed lease renewal has been reached. See proposed lease which is**
16 **attached as exhibit "3" and incorporated herein by this reference; and**
- 17 **WHEREAS, on December 16, 1998, U S WEST Communications, Inc. approved the**
18 **proposed lease. See U S WEST Communications, Inc. letter which is**
19 **attached as exhibit "4" and incorporated herein by this reference; and**
- 20 **WHEREAS, on December 28, 1998, the Schuk Toak District approved the proposed**
21 **lease. See Schuk Toak District Resolution No. ST-12-28-98-80 which is**

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1 attached as exhibit "5" and incorporated herein by this reference; and

2 WHEREAS, on January 26, 1999, the Natural Resources Committee reviewed and
3 approved of the proposed lease; and

4 WHEREAS, the Natural Resources Committee recommends that the Legislative
5 Council approve the proposed lease; and

6 WHEREAS, the Natural Resources Committee recommends that the Legislative
7 Council consider how the annual rental payments should be allocated
8 between the Nation and Schuk Toak District; and

9 WHEREAS, the Schuk Toak District respectfully requests that the Legislative Council
10 allocate 100% of the annual rental payment to it. See Schuk Toak District
11 Resolution No. ST-02-13-99-06 which is attached as exhibit "6" and
12 incorporated herein by this reference.

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

- 14 1. Approves the proposed lease which is attached as exhibit "3";
- 15 2. Authorizes and directs the Chairman and Attorney General of the
16 Nation to sign the lease; and
- 17 3. One hundred percent (100%) of the annual rental shall be allocated
18 to the Schuk Toak District. The Treasurer of the Nation shall
19 establish a separate account for the District's Allocation ("DA") into
20 which the DA shall be deposited and held for the benefit of the
21 District. The DA shall only be made available for expenditure by
22 authorization of the Legislative Council in accordance with Article IX
23 §7 of the Nation's Constitution.

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1 The foregoing Resolution was presented to the Tohono O'Odham Legislative Council
2 on the 01ST. day of MARCH, 1999 at a meeting at which a quorum was present, and by
3 a vote of 427.0 FOR; 1,500.0 AGAINST; -0- NOT VOTING; and [03] ABSENT, failed to
4 pass because it did not receive a majority of the votes cast as required by Section 2 of
5 Article V of the Constitution of the Tohono O'odham Nation.

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7 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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11 Dennis Ramon, Legislative Chairman

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14 ATTEST:

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18 Julianna Saraficio, Acting Legislative Secretary

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DEFEATED

RESOLUTION NO. 99-083

ACTION: APPROVING PASSIVE MICROWAVE REFLECTOR LEASE BETWEEN THE TOHONO O'ODHAM NATION AND U S WEST COMMUNICATIONS, INC. WITHIN SCHUK TOAK DISTRICT

MOVED: COUNCILMAN AMBROSE ENCINAS

SECOND: COUNCILMAN JOSEPH JUAN

DATE: MARCH 01, 1999

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		
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		X
BABOQUIVARI 258.0	1. FRANCES MIGUEL ()	129.0		X		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		
SIF Oidak 161.0	1. RITA MARTINEZ (Maxine Norris)	80.5	X			
	2. MARY ANN ANTONE (Darlene Andrew)	80.5	X			X
TOTAL		1,927.0	427.0	1,500.0	-0-	[03]

****PASSED VOTES**