

**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. 99-084**

- 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. Forty percent (40%) of the annual rental shall be allocated to the  
18 Nation's general fund for purposes of appropriation as authorized by  
19 the Nation's Constitution; and  
20 Sixty percent (60%) of the annual rental shall be allocated to the  
21 Schuk Toak District. The Treasurer of the Nation shall establish a  
22 separate account for the District's Allocation ("DA") into which the  
23 DA shall be deposited and held for the benefit of the District. The

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DA shall only be made available for expenditure by authorization of the Legislative Council in accordance with Article IX §7 of the Nation's Constitution.

The foregoing Resolution was presented to the Tohono O'Odham Legislative Council on the 01ST day of MARCH, 1999 at a meeting at which a quorum was present, and by a vote of 484.0 FOR; 1,443.0 AGAINST; -0- NOT VOTING; and [04] ABSENT, failed to pass because it did not receive a majority of the votes cast as required by Section 2 of Article V of the Constitution of the Tohono O'odham Nation.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

  
\_\_\_\_\_  
Dennis Ramon, Legislative Chairman

ATTEST:

  
\_\_\_\_\_  
Julianna Saraficio, Acting Legislative Secretary

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

**MOVED: COUNCILMAN JOSEPH JUAN**

**SECOND: COUNCILMAN AMBROSE ENCINAS**

**DATE: MARCH 01, 1999**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>CHUKUT KUK</b> <b>189.0</b>	1. DAVID GARCIA (Marvin Thomas)	94.5		X		
	2. KENNETH WILLIAMS (Arnold F. Smith Sr.)	94.5		X		
<b>HICKIWAN</b> <b>146.0</b>	1. ALEX JOSE ( )	73.0		X		
	2. LLOYD FRANCISCO (Susan Sam)	73.0		X		
<b>GU VO</b> <b>142.0</b>	1. FERN SALCIDO (Larry Montana)	71.0		X		
	2. GLORIA MONTANA (Phillip Antone)	71.0		X		
<b>SAN LUCY</b> <b>114.0</b>	1. JOHN RENO (Mary Hoffman)	57.0		X		
	2. ALBERT MANUEL, JR. (Jana Montana)	57.0	X			
<b>PISINEMO</b> <b>139.0</b>	1. BARBARA SALVICIO ( )	69.5		X		
	2. JOHNSON JOSE ( )	69.5		X		
<b>GU ACHI</b> <b>190.0</b>	1. LOUIS JOHNSON ( )	95.0		X		
	2. ALEX J. RAMON ( )	95.0		X		X
<b>BABOQUIVARI</b> <b>258.0</b>	1. FRANCES MIGUEL ( )	129.0		X		X
	2. FRANCES G. ANTONE (Edward N. Kisto)	129.0		X		
<b>SAN XAVIER</b> <b>146.0</b>	1. TONY BURRELL ( )	73.0	X			X
	2. DENNIS RAMON ( )	73.0	X			
<b>SCHUK TOAK</b> <b>120.0</b>	1. JOSEPH JUAN ( )	60.0	X			
	2. AMBROSE ENCINAS ( )	60.0	X			
<b>SELLS</b> <b>322.0</b>	1. DENNIS E. JOSE ( )	161.0		X		
	2. EVELYN JUAN ( )	161.0		X		
<b>SIF OIDAK</b> <b>161.0</b>	1. RITA MARTINEZ (Maxine Norris)	80.5	X			
	2. MARY ANN ANTONE (Darlene Andrew)	80.5	X			X
<b>TOTAL</b>		<b>1,927.0</b>	<b>484.0</b>	<b>1,443.0</b>	<b>-0-</b>	<b>[04]</b>

**\*\*PASSED VOTES**