

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)

RESOLUTION NO. 99-085

- 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 **WHEREAS, the 1973 lease commenced on November 26, 1973 and ended on November**
9 **25, 1998; and**
- 10 **WHEREAS, under the 1973 lease the BIA allocated 50% of the annual rental to the**
11 **Nation and the remaining 50% to the Schuk Toak District. See letter from**
12 **Papago Agency which is attached as exhibit "2" and incorporated herein**
13 **by this reference; and**
- 14 **WHEREAS, a proposed lease renewal has been reached. See proposed lease which is**
15 **attached as exhibit "3" and incorporated herein by this reference; and**
- 16 **WHEREAS, on December 16, 1998, U S WEST Communications, Inc. approved the**
17 **proposed lease. See U S WEST Communications, Inc. letter which is**
18 **attached as exhibit "4" and incorporated herein by this reference; and**
- 19 **WHEREAS, on December 28, 1998, the Schuk Toak District approved the proposed**
20 **lease. See Schuk Toak District Resolution No. ST-12-28-98-80 which is**
21 **attached as exhibit "5" and incorporated herein by this reference; and**
- 22 **WHEREAS, on January 26, 1999, the Natural Resources Committee reviewed and**

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1 approved of the proposed lease; and

2 WHEREAS, the Natural Resources Committee recommends that the Legislative
3 Council approve the proposed lease; and

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

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

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

- 12 1. Approves the proposed lease which is attached as exhibit "3";
- 13 2. Authorizes and directs the Chairman and Attorney General of the
14 Nation to sign the lease; and
- 15 3. Will consider how the annual rental payments should be allocated
16 between the Nation and Schuk Toak District at a later date.

17 The foregoing Resolution was passed by the Tohono O'odham Council on the 01ST day
18 of MARCH 1999 at a meeting at which a quorum was present with a vote of 1,724.0 FOR;
19 57.0 AGAINST; 146.0 NOT VOTING; and [05] ABSENT, pursuant to the powers vested
20 in the Council by Section 2(d) of Article VI and Section 5 of Article XVI of the
21 Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation
22 on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian
23 Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934
24 (48 Stat. 984).

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TOHONO O'ODHAM LEGISLATIVE COUNCIL


Dennis Ramon, Legislative Chairman

2nd day of March, 19 99

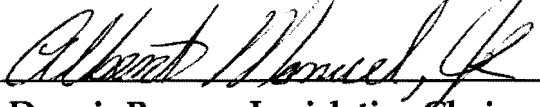
ATTEST:


Julianna Saraficio, Acting Legislative Secretary

15th day of March, 19 99.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 2nd day of March, 19 99 at 1:37 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

APPROVED

on the 2 day of March, 19 99

DISAPPROVED

at 5:40 o'clock, P.M.


EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 03rd day of

March, 19 99, at 8:08 o'clock, A.M.

Julianna Saraficio

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 AMBROSE ENCINAS

SECOND: COUNCILWOMAN RITA MARTINEZ

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			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	1,724.0	57.0	146.0	[04]

**PASSED VOTES