RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL (Approving renewal of Telephone Lease dated February 18, 1986)

RESOLUTION NO. 99-386

1WHEREAS,on February 18, 1986, the Papago Tribe, now known as the Tohono O'odham2Nation ("Nation"), entered into a Lease with the Papago Tribal Utility3Authority, now known as the Tohono O'odham Utility Authority ("Authority"),4which leases to the Authority all of the telephone system belonging to the5Nation for the purpose of acquiring, constructing, operating and maintaining6the system, and of borrowing funds from the United States Government7("Government") necessary therefor; and

8 WHEREAS, Section 10 of the Lease provides that should the Authority "deem it advisable 9 from time to time to obtain financing in addition to the amounts of the 10 [original] Loan set out in the [original] Loan Contract and Resolution for 11 purposes of construction, acquisition or operation of Additional Facilities" ... 12 the Authority may "execute and deliver to the Government such Additional 13 Notes and may amend or supplement the [original] Loan Contract and the 14 Resolution in any way as the [Authority] (acting for and on behalf of the 15 [Nation], and as its agent) and the Government, acting through the Administrator, may agree, and such Additional Notes, amendments and/or 16 supplements to the [original] Loan Agreement and Resolution shall by this 17 18 reference be incorporated herein and to the extent that they are not 19 inconsistent with, or contrary to, the terms of this lease and the annexed 20 [original] Loan Contract and Resolution, shall be made a part hereof as if set out in full;" and 21

WHEREAS, on January 28, 1999, the Authority did decide to borrow an additional amount,
not to exceed in the aggregate the sum of \$5,871,000, from the Government
through two of its agencies, the Rural Utilities Service and the Rural
Telephone Bank, to finance the further construction and operation of the
telephone system, and did execute an Amending Telephone Loan Contract
dated as of September 19, 1998, and a Consolidated And Restated Resolution

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1	And Security Agreement dated as of December 1, 1988, which effectively
2	amend and supercede the [original] Loan Contract and Resolution attached
3	to the [original] Lease; and
4	WHEREAS, the Authority did by letter dated January 28, 1999, from its Chairman, Lyle L.
5	Donavan, to Julie Saraficio, Secretary of the Tohono O'odham Nation, give the
6	Nation formal notice of its intention to renew the Lease pursuant to Section 1
7	of the Lease to extend the Lease for a second and additional twenty-five (25)
8	year term, following the expiration of its primary twenty-five (25) year term on
9	February 18, 2011, upon the same terms and conditions as in the primary
10	term, in order to permit the orderly amortization of the new loan from the
11	Government.
12	NOW, THEREFORE, BE IT RESOLVED THAT:
13	1. The Legislative Council hereby approves of the renewal by the Authority
14	of the telephone Lease between the Tohono O'odham Nation and the
15	- Authority dated February 18, 1986.
16	2. The Legislative Council authorizes and directs Julie Saraficio, Secretary
17	of the Tohono O'odham Nation, to execute and deliver to the Authority
18	receipts for three original counterparts of Lyle L. Donavan's formal notice
19	dated January 28, 1999, of renewal of the Lease.
20 21 22 23 24 25 26	The foregoing Resolution was passed by the Tohono O'odham Council on the <u>14TH</u> . day of <u>JULY</u> . <u>1999</u> at a meeting at which a quorum was present with a vote of <u>1.782.9</u> FOR; <u>160.0</u> AGAINST; <u>-0-</u> NOT VOTING; and <u>222.6 [05]</u> ABSENT, pursuant to the powers vested in the Council by Section <u>1 (f) & (i)</u> of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).
27 28	TOHONO O'ODHAM LEGISLATIVE COUNCIL
29 20	
30	1
31 32	Dennis Ramon, Legislative Chairman
33	
34	18 day of July, 19.99

RESOLUTION NO. 99-386 (Approving renewal of Telephone Lease dated February 18, 1986) Page 3 of 3 ATTEST: map Inlianna Saraficio, Acting Legislative Secretary 14" day of Kely, 19 49. Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 18 day of July , 19 99 at 2:41 o'clock, \mathcal{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 Chairma on the 19 day of Keely, 19 99 **M** APPROVED **]** DISAPPROVED Honry a Ramon _ EDWARD D. MANUEL, Chairman **TOHONO O'ODHAM NATION** Returned to the Legislative Secretary on the $\frac{19}{19}$ day of ____, 19_<u>99</u>, at <u>4:30</u> o'clock, <u>/</u>.M. Julianna Saraficio, Acting Legislative Secretary

ACTION: APPROVING RENEWAL OF TELEPHONE LEASE DATED FEBRUARY 18, 1986

MOVED: COUNCILWOMAN MARY ANN ANTONE

SECOND: COUNCILMAN TONY BURRELL

DATE: JULY 14 1999

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 171.8	1. MARY ANN ANTONE (Darlene Andrew)	85.9	x			
	2. RITA MARTINEZ (Nicholas Jose)	85.9	X			
SELLS 372.7	1. DENNIS E. JOSE	186.35	X			x
	2. EVELYN JUAN ()	186.35	X			
SCHUK TOAK	1. MARY FLORES	66.7	х			
133.4	2. AMBROSE ENCINAS	66.7	х			
SAN XAVIER	1. TONY BURRELL	82.95	x			
165.9	() 2. DENNIS RAMON ()	82.95	х			
BABOQUIVARI	1. FRANCES MIGUEL	143.25	X			x
286.5	() 2. FRANCES G. ANTONE (Edward N. Kisto)	143.25	X			
GU ACHI	1. CAMILLUS LOPEZ (Louis Johnson)	104.8	х			
209.6	2. ALEX J. RAMON	104.8	X			
PISINEMO	1. BARBARA SALVICIO (Alex Antone)	78.4	x			
156.8	2. JOHNSON JOSE ())	78.4	X			
SAN LUCY	1. ALBERT MANUEL, JR.	64.05	X			
128.1	() 2. GLORIA RAMIREZ ()	64.05	х			
GU VO	1. FERN SALCIDO	80.0		х		
160.0	2. GLORIA MONTANA (Phillip Antone)	80.0		X		x
HICKIWAN	1. ALEX JOSE	79.05	x			
158.1	(Shirley Santos) 2. LLOYD FRANCISCO (Susan Sam)	79.05	x			
CHUKUT KUK	1. KENNETH WILLIAMS	111.3				X
222.6	() 2. DAVID GARCIA (Mary Audrey Juan)	111.3				х
T	2,165.5	1,782.9	160.0	-0-	222.6 [05]	

**PASSED VOTES