

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(To Make an Offer to Purchase Certain Property from the Gila Bend Investment
Group, Ltd., and/or to Request Waiver by the Secretary of the Interior of Certain
Provisions of Public Law 99-503)**

RESOLUTION NO. 99-623

1 **WHEREAS, San Lucy District, a political subdivision of the Tohono O'odham Nation, was**
2 **aggrieved by the United States of America by actions of the U.S. Army Corps of**
3 **Engineers in the design and construction of the Painted Rock Dam which**
4 **resulted in habitual flooding of Gila Bend Indian Reservation Lands and**
5 **rendered these lands unsuitable for habitation and economic development; and**
6 **WHEREAS, on October 20, 1986, the United States Congress enacted the Gila Bend Indian**
7 **Reservation Lands Replacement Act, Public Law 99-503 (the "Replacement Act"),**
8 **after the Gila Bend Indian Reservation (San Lucy) was destroyed by repeated**
9 **flooding caused by the United States' construction of the Painted Rock Dam. The**
10 **Replacement Act authorized the Tohono O'odham Nation ("Nation") to purchase**
11 **up to 9,880 acres of private lands in Pima, Pinal or Maricopa Counties as**
12 **replacement reservation lands and provided funds for the replacement of**
13 **damaged lands with lands suitable for sustained economic use; and**
14 **WHEREAS, the Replacement Act recognized that the "lack of an appropriate land base**
15 **severely retards the economic self-sufficiency of the O'odham people of the Gila**
16 **Bend Indian Reservation, contributes to their high unemployment and acute**
17 **health problems . . .", and authorized payment to the Nation of the sum of Thirty**
18 **Million Dollars (\$30,000,000) "to be used for the benefit of the San Lucy District";**
19 **and**
20 **WHEREAS, the Replacement Act provides that all funds derived from the Act, as well as any**
21 **and all interest pertaining to such funds, may be spent by the Nation "on behalf**
22 **of the San Lucy District for land and water rights acquisition, economic and**
23 **community development, and relocation costs"; and**
24 **WHEREAS, section 6(c) of the Replacement Act authorizes the Nation to acquire by purchase**
25 **lands of up to 9,880 acres as replacement lands. Under section 6(d), the Secretary**
26 **of the Interior is instructed to hold in trust any replacement lands which satisfy**

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specific criteria set forth in the Replacement Act. Section 6(d) provides:

The Secretary, at the request of the Tribe, shall hold in trust for the benefit of the Tribe any land which the Tribe acquires pursuant to subsection (c) which meets the requirements of this subsection. Any land which the Secretary holds in trust shall be deemed to be a Federal Indian Reservation for all purposes. Land does not meet the requirements of this subsection if it is outside the counties of Maricopa, Pinal, and Pima, Arizona, or within the corporate limits of any city or town. Land meets the requirements of this subsection only if it constitutes not more than three separate areas consisting of contiguous tracts, at least one of which areas shall be contiguous to San Lucy Village. The Secretary may waive the requirements set forth in the preceding sentence if he determines that additional areas are appropriate.

and

WHEREAS, Article IX, section 5 of the Tohono O'odham Constitution provides:

Each district shall govern itself in matters of local concern, except that in any matter involving more than one district in which there is a dispute, the Tohono O'odham Council shall decide the matter.

and

WHEREAS, a task force comprised of members of San Lucy District was created to consider options and usage of the Replacement Act funds for economic and community development for San Lucy District. San Lucy Village currently consists of forty (40) acres and, as of the date hereof, all housing in San Lucy has been assigned. There is no additional land available for housing in San Lucy and it is in dire need of additional land on which to construct housing for its members; and

WHEREAS, the task force recommended to the District Council the purchase of 1,181.14 acres located west of and contiguous to the current 40 acre San Lucy Village and currently owned by the Gila Bend Investment Group, Ltd. as replacement lands to be held in trust, which property is more specifically described as Sections 25 and 26, Township 5 South, Range 5 West, County of Maricopa, State of Arizona;
and

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1 **WHEREAS, after recommendation by the task force, Resolution No. S.L. 09-86-99 was passed**
2 **whereby the San Lucy District Council requested that, pursuant to the**
3 **Replacement Act, the Nation make a formal offer to Gila Bend Investment Group,**
4 **Ltd. to purchase 1,181.14 acres, Section 25 and 26, Township 5 South, Range 5**
5 **West, Maricopa County (the "Property") at the purchase price of \$675 per acre for**
6 **a total offer of \$797,269.50. A copy of Resolution No. S.L. 09-86-99 is attached**
7 **hereto as Exhibit "A"; and**

8 **WHEREAS, San Lucy District determined that, other than the above referenced Property,**
9 **there are no other lands which are contiguous to San Lucy Village that are**
10 **available for purchase at this time. Further, San Lucy District, through its task**
11 **force and with the assistance of the Nation's land specialists, determined that the**
12 **parcels of lands available for purchase in Maricopa, Pima or Pinal County are**
13 **not large enough in acreage to accomplish the purchase of replacement land of**
14 **up to 9,880 acres through three (3) separate areas of contiguous tracts as**
15 **provided for under section 6(d) of the Replacement Act. As a result, San Lucy**
16 **District determined that in order to acquire replacement lands of up to 9,880**
17 **acres, it is necessary to request the Secretary of the Interior to waive the**
18 **requirement that one of the areas be contiguous to San Lucy Village and waive**
19 **the limitation that the parcels consist of three (3) separate areas consisting of**
20 **contiguous tracts and modify the provision to provide for the purchase of up to**
21 **five (5) separate areas consisting of contiguous tracts; and**

22 **WHEREAS, San Lucy District determined that if, as anticipated for reasons set forth in**
23 **Resolution No. S.L. 10-96-99, a copy of which is attached hereto as Exhibit "B" and**
24 **incorporated herein by reference, Gila Bend Investment Group, Ltd. rejects the**
25 **Nation's offer to purchase the Property, then it is not in San Lucy District's best**
26 **interests to delay the request for a waiver from the Secretary of the Interior; and**

27 **WHEREAS, by Resolution No. S.L. 10-96-99, San Lucy District requested, pursuant to the**

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1 **Replacement Act, that in the event that the Nation's offer to purchase the**
2 **Property is rejected by the Gila Bend Investment Group, Ltd., that the Nation**
3 **promptly request a waiver from the Secretary of the Interior of those provisions**
4 **of section 6(d) of the Replacement Act that require that one of the areas of**
5 **replacement lands be located contiguous to San Lucy Village and waive the**
6 **limitation that the parcels consist of three (3) separate areas consisting of**
7 **contiguous tracts and modify the latter provision to provide for the purchase of**
8 **up to five (5) separate areas consisting of contiguous tracts; and**

9 **WHEREAS, it is in the best interests of San Lucy District and the Nation to have the current**
10 **Administration of the United States Executive Branch, including the current**
11 **Secretary of the Interior, consider any waiver request; and**

12 **WHEREAS, the Tohono O'odham Legislative Council agrees that San Lucy District's**
13 **recommendations and requests as set forth in Resolution Nos. 09-86-99 and 10-**
14 **96-99 are consistent with the purpose and directive of federal law as set forth in**
15 **the Replacement Act; and**

16 **WHEREAS, the Natural Resources Committee, the Investment Committee, the Budget and**
17 **Finance Committee, and the Appropriations Committee of the Legislative**
18 **Council have reviewed this resolution and recommend that it be approved.**

19 **NOW, THEREFORE, BE IT RESOLVED THAT the Tohono O'odham Legislative Council**
20 **does hereby agree to the following:**

- 21 **1. The Nation will make a formal offer to Gila Bend Investment Group, Ltd. to**
22 **purchase approximately 1,181.14 acres in Sections 25 and 26, Township 5**
23 **South, Range 5 West, Maricopa County at the purchase price of \$675 per acre**
24 **for a total offer of \$797,269.50. The Nation will make the offer by December**
25 **1, 1999 and the offer shall be open for a period of ten (10) business days from**
26 **the date of hand delivery of the offer, at which time, if a written acceptance**
27 **of the offer has not been received, the offer will expire automatically.**

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- 2. In the event that the Nation's offer is rejected by the Gila Bend Investment Group, Ltd., and pursuant to the request of San Lucy District in Resolution No. S.L. 10-96-99 referred to above, the Chairman of the Nation with the Appropriations Committee of the Legislative Council will promptly request that the Secretary of the Interior waive the provision of section 6(d) of the Replacement Act that requires that one (1) of the areas of replacement lands be located contiguous to San Lucy Village.
- 3. Pursuant to the request of San Lucy District in Resolution No. S.L. 10-96-99 referred to above, the Chairman of the Nation with the Appropriations Committee of the Legislative Council will promptly request that the Secretary of the Interior waive the limitation in section 6(d) of the Replacement Act that the parcels consist of three (3) separate areas consisting of contiguous tracts and request that this provision be modified to provide for the purchase of up to five (5) separate areas consisting of contiguous tracts.

The foregoing Resolution was passed by the Tohono O'odham Council on the 17TH day of NOVEMBER, 1999 at a meeting at which a quorum was present with a vote of 2,165.5 FOR; -0- AGAINST; -0- NOT VOTING; and [07] ABSENT, pursuant to the powers vested in the Council by Section 1 (i)(3) 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).

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Dennis Ramon, Legislative Chairman

22nd day of November, 19 99

ATTEST:



Julianna Saraficio, Acting Legislative Secretary

17 day of November, 19 99

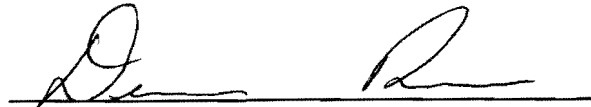
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1 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
2 O'Odham Nation on the 22nd day of November, 19 99 at 2:57
3 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and
4 will become effective upon his approval or upon his failure to either approve or disapprove
5 it within 48 hours of submittal.

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7 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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11 **Dennis Ramon, Legislative Chairman**

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16 **APPROVED**

on the 23 day of November, 1999

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18 **DISAPPROVED**

at 3:30 o'clock, P.M.

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22 **EDWARD D. MANUEL, Chairman**
23 **TOHONO O'ODHAM NATION**

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28 Returned to the Legislative Secretary on the 23rd day of

29 November, 19 99, at 3:59 o'clock, P.M.

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33 **Julianna Saraficio, Acting Legislative Secretary**

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ACTION: TO MAKE AN OFFER TO PURCHASE CERTAIN PROPERTY FROM THE GILA BEND INVESTMENT GROUP, LTD., AND/OR TO REQUEST WAIVER BY THE SECRETARY OF THE INTERIOR OF CERTAIN PROVISIONS OF PUBLIC LAW 99-503

Moved: COUNCILWOMAN GLORIA RAMIREZ

SECOND: COUNCILWOMAN RITA MARTINEZ

DATE: NOVEMBER 17, 1999

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF ODAK 171.8	1. MARY ANN ANTONE (Darlene Andrew)	85.9	X			X
	2. RITA MARTINEZ (Nicholas Jose)	85.9	X			
SELLS 372.7	1. DENNIS E. JOSE ()	186.35	X			
	2. EVELYN JUAN ()	186.35	X			
SCHUK TOAK 133.4	1. MARY FLORES ()	66.7	X			
	2. AMBROSE ENCINAS ()	66.7	X			X
SAN XAVIER 165.9	1. TONY BURRELL ()	82.95	X			
	2. DENNIS RAMON ()	82.95	X			
BABOQUIVARI 286.5	1. FRANCES MIGUEL ()	143.25	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	143.25	X			X
GU ACHI 209.6	1. CAMILLUS LOPEZ (Louis Johnson)	104.8	X			
	2. ALEX J. RAMON ()	104.8	X			
PISINEMO 156.8	1. BARBARA SALVICIO (Alex Antone)	78.4	X			X
	2. JOHNSON JOSE ()	78.4	X			
SAN LUCY 128.1	1. ALBERT MANUEL, JR. ()	64.05	X			X
	2. GLORIA RAMIREZ ()	64.05	X			
GU VO 160.0	1. FERN SALCIDO ()	80.0	X			X
	2. GLORIA MONTANA (Phillip Antone)	80.0	X			
HICKIWAN 158.1	1. ALEX JOSE (Shirley Santos)	79.05	X			
	2. LLOYD FRANCISCO (Susan Sam)	79.05	X			
CHUKUT KUK 222.6	1. KENNETH WILLIAMS ()	111.3	X			
	2. DAVID GARCIA (Mary Audrey Juan)	111.3	X			X
TOTAL		2,165.5	2,165.5	-0-	-0-	[07]

****PASSED VOTES**