

RESOLUTION OF THE PAPAGO COUNCIL

RES. NO. 18-71

WHEREAS; The Papago Council, by Resolution #8-70, on the 8th day of May, 1970, created the Papago Tribal Utility Authority and adopted a Plan of Operation to be used by the Board of Directors of the Authority, and

WHEREAS; The Papago Council appointed a Board of Directors to conduct the business operations of the Papago Tribal Utility Authority, and

WHEREAS; on the 20th day of August, 1970, the Phoenix Area Office of the Bureau of Indian Affairs by and through its delegated authority from the Commissioner of Indian Affairs and the Secretary of the Interior approved the Plan of Operation of said Authority, and

WHEREAS; it is the desire of The Papago Tribe and the Papago Tribal Utility Authority to facilitate mining and industrial development on the Papago Reservation and the furnishing of electricity for such purposes and for other domestic purposes on the Papago Reservation, and

WHEREAS; The Papago Tribe has heretofore granted certain mining rights, leases and privileges to Hecla Mining Company and to Newmont Exploration Limited; and it is contemplated that the development of such mines and related activities would be to the benefit of The Papago Tribe and its people, and The Papago Tribe desires to foster and encourage such development, and

WHEREAS; the Papago Tribal Utility Authority plans to furnish electric power for such mining and related operations and to distribute power elsewhere on the Reservation, and

WHEREAS; the Papago Tribal Utility Authority desires to purchase its power requirements for such purposes from Arizona Public Service Company, and

WHEREAS; the Papago Tribal Utility Authority, on the 28th day of May, 1971, had entered into a Wholesale Power Supply Agreement with Arizona Public Service Company to supply the electrical power needs of the Authority, and

WHEREAS; on the 28th day of May, 1971, after entering into the Arizona Public Service Company agreement, the Papago Tribal Utility Authority entered into an agreement with the Hecla Mining Company to supply all of its electrical power requirements on the Papago Reservation, and

WHEREAS; Arizona Public Service Company has requested that The Papago Council approve the Wholesale Power Supply Agreement entered into by and between the Papago Tribal Utility Authority and Arizona Public Service Company, and

WHEREAS; in order to accommodate Arizona Public Service Company, The Papago Council has on this date reviewed the terms and conditions of the Wholesale Power Supply Agreement between the parties heretofore mentioned and has determined that the terms and conditions are reasonable and fair to both parties concerned, and

WHEREAS; the Papago Tribal Utility Authority's Board of Directors by resolution has requested The Papago Council to approve the Wholesale Power Supply Agreement and to obtain approval of the resolution and Wholesale Power Supply Agreement by the Secretary of the Interior, and

WHEREAS; it is in the best interests of The Papago Tribe, the Papago Tribal Utility Authority and all of the Papago people to proceed with the development of the Tribe's electrical needs on the entire Reservation;

NOW, THEREFORE, BE IT RESOLVED BY THE PAPAGO COUNCIL AS FOLLOWS:

1. The Wholesale Power Supply Agreement entered into on the 28th day of May, 1971, by and between Arizona Public Service Company, an Arizona corporation, and the Papago Tribal Utility Authority, acting by authority granted from The Papago Council, is hereby determined to be fair, reasonable and necessary, and is hereby approved, so as to enable the Papago Tribal Utility Authority to distribute electric power to the Hecla and Newmont mines located on the Reservation and for the electrical domestic needs of the Papago people.
2. The Papago Council hereby authorizes the Chairman of the Papago Council, Augustine B. Lopez, and the other Tribal officials, to affix their names to the Wholesale Power Supply Agreement, approving same on behalf of The Papago Council.
3. The Papago Chairman is hereby instructed to attach a copy of the Wholesale Power Supply Agreement to this resolution and then to proceed as requested by the Board of Directors of the Papago Tribal Utility Authority to Washington, D. C., to obtain approval of the resolution and Wholesale Power Supply Agreement by the Secretary of the Interior.

The foregoing Resolution was duly enacted by The Papago Council on the 11th day of June, 1971, at a meeting at which a quorum was present with a vote of 20 for, -0- against, -0- not voting, and 2 absent, pursuant to authority vested in The Papago Council by Sections 2(e) and (h) and 3(g) and (h) of Article V of the Constitution and By-Laws of The Papago Tribe of Arizona, ratified by the Papago Tribe on December 12, 1936, and approved by the Secretary of the Interior on January 6, 1937 (48 Stat. 984) pursuant to Section 16 of the Act of June 18, 1934. Said Resolution is effective as of the date of its approval by the Superintendent of The Papago

Agency and is subject to review by the Secretary of the Interior.

THE PAPAGO COUNCIL

ATTEST:

Betty G. Hendricks Secretary
Augustine B. Lopez Chairman

APPROVED pursuant to ARTICLE V, Section 6, of the Constitution and By-Laws of The Papago Tribe of Arizona

Joseph M. Lucero
 Joseph M. Lucero
 Superintendent
 The Papago Agency

DATE: JUL 1 1971

