

RESOLUTION OF THE PAPAGO COUNCIL

RES. NO. 62-72

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, Trico Electric Cooperative owns and operates certain electrical facilities on the Papago Reservation serving electric power to persons on the Reservation; and

WHEREAS, the Authority desires to acquire certain electrical facilities owned by Trico located on the Papago Reservation; and

WHEREAS, the Authority is willing to acquire from Trico certain electrical facilities and is also willing to compensate Trico for those facilities of Trico located off the Papago Reservation dedicated to Reservation service; and

WHEREAS, it may be necessary to have Trico operate and maintain the electrical systems on the Papago Reservation for an interim period after the Authority acquires the facilities from Trico; and

WHEREAS, upon the acquisition of the electrical facilities from Trico, Trico is willing to sell electric power to the Authority; and

WHEREAS, in order to facilitate and permit the achievement of the plans hereinabove referred to, the Authority, acting by authority granted from The Papago Council, entered into an Agreement with Trico Electric Cooperative on the 28th day of September, 1972; and

WHEREAS, the parties to the Agreement have requested that The Papago Council approve the Agreement entered into by and between the Papago Tribal Utility Authority and Trico Electric Cooperative; and

WHEREAS, in order to accommodate the parties to the Agreement, The Papago Council has on this date reviewed the terms and conditions of the 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 Council has been asked to approve the Agreement and to obtain approval of its resolution so doing by the Superintendent of the Papago Indian Agency and review by the Secretary of the Interior or his duly authorized representative; 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 Agreement entered into on the 28th day of September, 1972, by and between the Papago Tribal Utility Authority, acting by authority granted from The Papago Council, and Trico Electric Cooperative, an Arizona corporation, is hereby determined to be fair, reasonable and necessary, and is hereby approved, so as to enable the Papago Tribal Utility Authority to achieve its plans in the distribution of electric power to the entire Papago Reservation.
2. The Papago Council hereby authorizes the Chairman of The Papago Council, Augustine B. Lopez, and other Tribal officials, to affix their names to the Agreement, approving same on behalf of The Papago Council.
3. The Papago Chairman is hereby instructed to attach a copy of the Agreement to this resolution and to obtain the approval of the resolution by the Superintendent of the Papago Indian Agency and review by the Secretary of the Interior or his duly authorized representative.

The foregoing Resolution was duly enacted by The Papago Council on the 29th day of September, 1972, at a meeting at which a quorum was present with a vote of 21 for, 0 against, 0 not voting, and 1 absent, pursuant to authority vested in The Papago Council by Sections 2(a), (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. 92) 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 Indian Agency and is subject to review by the Secretary of the Interior.

TEST:

THE PAPAGO COUNCIL

Butry J. Norris

By:

Augustine B. Lopez

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

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



DATE: Oct. 12, 1972