

RESOLUTION OF THE TOHONO O'ODHAM COUNCIL
(Approving Assignment of Mountain Bell Leases and Easements)

RES. NO. 140-87

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

WHEREAS, the Papago Council did by Resolutions No. 65-83 and 200-83 authorize and direct the Papago Tribal Utility Authority ("PTUA"), on behalf of PTUA and the Tohono O'odham Nation, to negotiate with The Mountain States Telephone and Telegraph Company ("Mountain Bell") for the acquisition of the existing telephone plant presently serving the Sells Reservation; and

WHEREAS, on July 13, 1984, the PTUA did report to the Papago Council that Mountain Bell had set a prohibitive sales price of \$1,253,843 for its plant which PTUA's engineers had valued in the area of \$400,000, and the Council did by Resolution No. 156-84 authorize PTUA to proceed with the construction, operation and maintenance of new and independent telephone facilities, without acquisition of Mountain Bell's plant; and

WHEREAS, Mountain Bell did subsequently agree to sell and transfer its plant pursuant to an Agreement for Sale of Assets ("Agreement"), and to reconvey to PTUA and the Nation all of its rights and licenses to operate within the Sells Reservation, including its land leases and easements, for a gross sales price of \$380,000, and to provide PTUA with a point of interconnection to its telecommunication facilities within the San Xavier Reservation; and

WHEREAS, PTUA believes that it is in the best interest of the Nation to enter into the Agreement since it will permit PTUA to assume earlier operation and maintenance of the telephone system serving the Sells Reservation; and

WHEREAS, the Agreement provides that Mountain Bell will deliver a full assignment of all easements, leases, and rights it has to use real property within the Sells Reserva-



1 tion to the Tohono O'odham Nation, which will extin-
2 guish such easements, leases and rights, upon condi-
3 tion that the Nation accept delivery thereof and
4 release Mountain Bell from any further liability
5 thereunder.

6 NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Council
7 that it does hereby authorize the Papago Tribal Util-
8 ity Authority, on behalf of the Tohono O'odham Nation,
9 to accept the assignment and reconveyance to the
10 Nation of any leases or easements previously granted
11 by or with the approval of the Papago Tribe and the
12 Nation to The Mountain States Telephone and Telegraph
13 Company within the Sells Reservation, and does hereby
14 specifically acknowledge and agree that any such
15 assignment and reconveyance to the Nation shall extin-
16 guish all rights created thereunder and shall release
17 The Mountain States Telephone and Telegraph Company
18 from any further liability or responsibility there-
19 under.

20 BE IT FURTHER RESOLVED that Papago Council Resolution No. 156-84
21 is hereby amended and PTUA is hereby granted a certi-
22 ficate of convenience and necessity to construct,
23 operate and maintain Telephone Facilities on the Sells
24 Reservation and to provide telephone services to the
25 Sells Reservation effective on the Closing Date pro-
26 vided for in the Agreement for Sale of Assets between
27 The Mountain States Telephone and Telegraph Company
28 and PTUA.

29 C E R T I F I C A T I O N

30 The foregoing Resolution was passed by the Tohono O'odham Coun-
31 cil on the 10th day of April, 1987, at a meeting at
32 which a quorum was present with a vote of 1577.0 for; 63.0
against; -0- not voting; 02 absent, pursuant to the
powers vested in the Council by Section 2 (d) of Article VI of

1 the Constitution of the Tohono O'odham Nation, adopted by the
2 Tohono O'odham Nation on January 18, 1986, and approved by the
3 Acting Deputy Assistant Secretary - Indian Affairs (Operations)
4 on March 6, 1986, pursuant to Section 16 of the Act of June 18,
5 1934 (48 Stat. 984).

6 TOHONO O'ODHAM LEGISLATIVE COUNCIL

7 [Signature]
8 Harriet Toro, Legislative Chairperson

9 16 day of April, 1987.

10 ATTEST:

11 [Signature]
12 Legislative Secretary

13 20 day of April, 1987.

14 Said Resolution was submitted for approval to the office of the
15 Chairman of the Tohono O'odham Nation on the 20 day of
16 April, 1987, at 11:48 o'clock, A.M., pur-
17 suant to the provisions of Section 5 of Article VII of the Con-
18 stitution. It will become effective (1) upon his approval or
19 upon his failure to either approve or disapprove it within 48
20 hours of submittal, and (2) upon the approval of the Secretary
21 of the Interior or of his authorized representative.

22 TOHONO O'ODHAM LEGISLATIVE COUNCIL

23 [Signature]
24 for Harriet Toro, Legislative Chairperson

25 APPROVED) on the 23 day of April, 1987

26 DISAPPROVED) at 11:52 o'clock, A.M.

27 [Signature]
28 JOSIAH MOORE, Chairman
29 TOHONO O'ODHAM NATION

30 Returned to Legislative Secretary on the 23rd day of April
31 1987, at 1:37 o'clock, P.M.

32 [Signature]
Legislative Secretary

33 APPROVED) pursuant to delegated authority on the

34 DISAPPROVED) _____ day of _____, 19____.

35 _____
36 Area Director, Phoenix
37 [Signature] 5/4/87
38 Recommend for approval,
39 Superintendent



MOVED: ANDREW PATRICIO

SUBJECT: APPROVING ASSIGNMENT OF MOUNTAIN BELL

SECOND: ANGELO JOAQUIN, SR.

LEASES AND EASEMENTS

DATE: APRIL 10, 1987

RESOLUTION OR ~~ORDINANCE~~ # 140-87

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 138	1. Elliott Lewis () 2. Nicholas Jose (Letitia Garcia)	69.0 69.0	X X			
SELLS 257	1. Andrew M. Patricio (Nora Alveraz) 2. Fred Stevens, Sr. ()	128.5 128.5	X X			
SCHUK TOAK 105	1. Joseph Juan () 2. Julia Carrillo (JoAnn Francisco)	52.5 52.5	X X			
SAN XAVIER 126	1. Yvonne Corella (Austin Nunez) 2. Tony Felix (Carmelita Mattias)	63.0 63.0	X	X		
BABOQUIVARI 241	1. Edward N. Kisto () 2. Kenneth Chico, Sr. (Frances Miguel)	120.5 120.5	X X			X
GU ACHI 158	1. Angelo Joaquin, Sr. () 2. Fernando Joaquin ()	79.0 79.0	X X			
PISINEMO 116	1. Jerome Antone (Consuela Mendoza) 2. Johnson Jose (Edward Manuel)	58.0 58.0	X X			
SAN LUCY 85	1. John Reno () 2. Max P. Jose (Dewey Ortega)	42.5 42.5	X X			
GU VO 117	1. Cross Antone (Fern Salcido) 2. Virgil Lewis (Roy Montana)	58.5 58.5	X X			
HICKIWAN 128	1. Henry A. Ramon (Pablo Baptisto) 2. Lloyd Francisco (Eleanor Santos)	64.0 64.0	X X			X
CHUKUT KUK 169	1. Rosemary Lopez (Anita C. Clark) 2. Harriet Toro (Marvin J. Thomas)	84.5 84.5	X X			
TOTALS		1640.0	1577.0	63.0	-0-	02