

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Granting a Right for a General Utility Alignment to the Tohono O'odham Utility Authority for Tohono O'odham Ki:Ki Association Housing Project in the Kawulk Community, Sells District)

RESOLUTION NO. 22-056

- 1 **WHEREAS,** the Tohono O'odham Legislative Council is authorized "to manage, protect,
2 preserve and regulate the use of the property . . . of the Tohono O'odham Nation"
3 and "to manage . . . or otherwise deal with lands, or interests in land" belonging
4 to the Nation (Constitution of the Tohono O'odham Nation, Article VI, Section
5 1(i)(2) and Section 2(d)); and
- 6 **WHEREAS,** the Tohono O'odham Ki:Ki Association ("TOKA") is established as a separate tribal
7 entity pursuant to Ordinance of the Tohono O'odham Legislative Council,
8 Ordinance No. 98-03 (Tohono O'odham Ki:ki Association Ordinance, as amended,
9 18 Tohono O'odham Code Chapter 1); and
- 10 **WHEREAS,** TOKA is designated by the Tohono O'odham Nation (the "Nation") as the Nation's
11 Tribally Designated Housing Entity ("TDHE") tasked with administering Housing
12 and Urban Development ("HUD") Block Grant funds pursuant to the Native
13 American Housing Assistance and Self-Determination Act of 1996 ("NAHASDA") in
14 connection with the operation and development of affordable housing for the
15 Nation; and
- 16 **WHEREAS,** the Tohono O'odham Utility Authority ("TOUA"), formerly known as the Papago
17 Tribal Utility Authority, is an enterprise wholly owned by the Nation for the
18 purposes of constructing, maintaining and operating various utility systems
19 within the Nation; and
- 20 **WHEREAS,** by Resolution No. 91-175, the Nation adopted the Second Restated Plan of
21 Operation for TOUA, which requires TOUA to obtain prior Legislative Council
22 review and approval and prior written consent of each affected District Council
23 for any proposed utility system, line or facility (TOUA Second Restated Plan of
24 Operation, Section 5.A.; 24 Tohono O'odham Code Chapter 1); and
- 25 **WHEREAS,** by Resolution No. 17-032, the Nation approved the Utility Alignment Recordation
26 Procedures for Tohono O'odham Utility Authority Projects, which provided the
27 process for TOUA to be granted a right to a utility alignment on the Nation, by the
28 Nation, without the approval of the Bureau of Indian Affairs ("BIA"), which is
29 authorized pursuant to 25 CFR §169.4(b)(3)(iii); and
- 30 **WHEREAS,** TOKA and TOUA have collaborated to develop a plan for a project which will
31 connect the Sells Intertie Public Water System to a future housing development
32 in the Kawulk Community (the "Intertie") with legal description which depicts the

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1 **proposed alignment as a 50 foot wide alignment encompassing 14,590.49 feet**
2 **(approximately 2.763 miles), more or less, and a survey grade Map of Definite**
3 **Location, both of which are attached hereto and incorporated herein by this**
4 **reference; and**

5 **WHEREAS, this connection will serve a future housing development by TOKA for the benefit**
6 **of the Kawulk Community, Sells District and the Nation by providing housing for**
7 **Nation's members through funding sought by TOKA as the Nation's TDHE; and**

8 **WHEREAS, the Sells District Council approved Resolution No. SD-63-21, "To Approve**
9 **Supporting Tohono O'odham Utility Authority Water System Interties from**
10 **Indian Route 24 to Indian Route 20 on land within the Sells District"; and**

11 **WHEREAS, the Sells District Council further approved Resolution No. SD-86-21, which**
12 **approved extending the land for the Kawulk Community Subdivision to include a**
13 **lagoon and any necessary encroachment permits and utility easements; and**

14 **WHEREAS, the Housing, Water Resources, Agricultural and Natural Resources, and**
15 **Commerce Committees have reviewed the proposed general utility alignment**
16 **and recommend granting a right for a general utility alignment for the Intertie**
17 **and lagoon.**

18 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council grants to**
19 **TOUA a right to a general utility alignment for the Intertie and requests that the**
20 **Nation's Realty Office provide a copy of this executed resolution and the legal**
21 **description for the general utility alignment to the BIA for their records.**

22 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council grants approval of any**
23 **encroachment permits for the Intertie, including future individual services**
24 **installed on the system, which may be granted by the BIA pursuant to federal**
25 **regulations to allow the general utility alignment or service lines to individual**
26 **customers to cross roads constructed by the BIA.**

27 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 16TH**
28 **day of FEBRUARY, 2022 at a meeting at which a quorum was present with a vote of 2,939.75 FOR;**
29 **278.25 AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council**
30 **by, Article VI, Section 1(i)(2) and Section 2(d) of the Constitution of the Tohono O'odham Nation,**
31 **adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy**
32 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the**
33 **Act of June 18, 1934 (48 Stat.984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman
18 day of February, 2022

ATTEST:



Evonne Wilson, Legislative Secretary
18 day of February, 2022

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 18 day of February, 2022 at 4:40 o'clock, 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



Timothy Joaquin, Legislative Chairman

APPROVED

on the 18 day of February, 2022

DISAPPROVED

at 4:40 o'clock, P.m.



NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 18 day of

February, 2022, at 4:40 o'clock, P.m.



Evonne Wilson, Legislative Secretary

ACTION: GRANTING A RIGHT FOR A GENERAL UTILITY ALIGNMENT TO THE TOHONO O'ODHAM UTILITY AUTHORITY FOR TOHONO O'ODHAM KI:KI ASSOCIATION HOUSING PROJECT IN THE KAWULK COMMUNITY, SELLS DISTRICT

MOVED: COUNCILWOMAN JANICE FELIX

SECOND: COUNCILWOMAN VICTORIA HOBBS

DATE: FEBRUARY 16, 2022

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 245.6	1. MARY LOPEZ (Ann M. Garcia)	122.8	X			
	2. LUCINDA ALLEN (Francis Homewytewa)	122.8	X			
SELLS 556.5	1. ARTHUR WILSON ()	278.25	X			
	2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25		X		
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza)	95.25	X			
	2. DELISA M. RAMON (Sharon A. Francisco)	95.25	X			
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	121.3	X			
	2. JANICE FELIX (Adam P. Andrews)	121.3	X			
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eller)	121.9	X			
	2. ROGER MANUEL (Christina Andrews)	121.9	X			
PISINEMO 232.7	1. MARIETTA MARTIN ()	116.35	X			
	2. EDWARD D. MANUEL (Monica Morgan)	116.35	X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ ()	108.3	X			X
	2. SANDRA D. ORTEGA (<i>Absent</i>) (Delma M. Garcia) (<i>Present</i>)	108.3	X			
GU VO 270.7	1. GRACE MANUEL ()	135.35	X			
	2. CYNTHIA SAAVEDRA (Dallas Lewis)	135.35	X			
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN ()	139.25	X			
	2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25	X			
CHUKUT KUK 351.6	1. MARLAKAY HENRY (Billman Lopez)	175.8	X			
	2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8	X			
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone)	194.45	X			
	2. LEANDER MASE (Francine Schooling)	194.45	X			
TOTAL		3,218.0	2,939.75	278.25	-0-	[01]