

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL

(Authorizing the Acquisition of the Do'ag Vecho (Darby Wells) Cemetery and Approving the Real Property Donation Agreement for the Donation, Transfer, Assignment, and Conveyance of the Do'ag Vecho Cemetery from the Hia-Ced O'odham Alliance to the Tohono O'odham Nation)

RESOLUTION NO. 23-301

1 **WHEREAS, "[i]t shall be the policy of the Tohono O'odham Nation to seek the return to the**
2 **Tohono O'odham Nation of lands and natural resources, including minerals and**
3 **water rights, within or adjacent to the Tohono O'odham Nation, or which**
4 **originally were a part of the historic Papagueria" (Constitution of the Tohono**
5 **O'odham Nation, Article XVI, Section 9); and**

6 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power "by law,**
7 **ordinance or resolution . . . to purchase or otherwise acquire property" and to**
8 **"consult, negotiate and conclude agreements and contracts on behalf of the**
9 **Tohono O'odham Nation with Federal, State and local governments . . . on all**
10 **matters within the authority of the Tohono O'odham Council" (Constitution,**
11 **Article VI, Section 1(i)(3) and Section 1(f)); and**

12 **WHEREAS, the Tohono O'odham Nation has identified sensitive lands available for**
13 **acquisition in western Pima County, Arizona near the Ajo community that were**
14 **originally part of the historic Papagueria, including the 20 acre Do'ag Vecho**
15 **(Darby Wells) Cemetery, which is privately owned and maintained by the Hia-Ced**
16 **O'odham Alliance, an Arizona nonprofit corporation; and**

17 **WHEREAS, for generations, members of the Nation have buried their family members at the**
18 **Do'ag Vecho Cemetery and continue to return to the area to celebrate, gather, and**
19 **mourn with their families; and**

20 **WHEREAS, by Resolution Nos. 96-138 and 96-270, the Legislative Council previously pursued**
21 **the acquisition of the Do'ag Vecho Cemetery, and ultimately authorized the Hia-**
22 **Ced O'odham Alliance's acquisition of the Do'ag Vecho Cemetery from the United**
23 **States; and**

24 **WHEREAS, by Resolution No. 23-115, the Legislative Council supported the acquisition of the**
25 **Do'ag Vecho Cemetery, and established and authorized the Do'ag Vecho Recovery**
26 **Delegation to negotiate with the Hia-Ced O'odham Alliance to acquire the Do'ag**
27 **Vecho Cemetery; and**

28 **WHEREAS, the Hia-Ced O'odham Alliance seeks to donate the Do'ag Vecho Cemetery to the**
29 **Nation for acquisition into trust by the United States and inclusion within the**
30 **boundaries of the San Lucy District; and**

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1 **WHEREAS, the ultimate objective of the acquisition of the Do'ag Vecho Cemetery will be to**
2 **have it held in trust by the United States for non-gaming purposes; and**

3 **WHEREAS, the Do'ag Vecho Recovery Delegation and the Hia-Ced O'odham Alliance have**
4 **prepared a Real Property Donation Agreement for the donation, transfer,**
5 **assignment, and conveyance of the Do'ag Vecho Cemetery from the Hia-Ced**
6 **O'odham Alliance to the Nation, and the Do'ag Vecho Recovery Delegation**
7 **recommends its approval.**

8 **NOW, THEREFORE, BE IT RESOLVED that the Legislative Council approves the acquisition of the**
9 **Do'ag Vecho Cemetery by the Tohono O'odham Nation; provided that the Do'ag**
10 **Vecho Recovery Delegation is directed to consult with the San Lucy District**
11 **concerning inclusion of the Do'ag Vecho Cemetery within the San Lucy District's**
12 **boundaries when it is acquired in trust by the United States on behalf of the**
13 **Nation.**

14 **BE IT FINALLY RESOLVED that the Legislative Council approves the Real Property Donation**
15 **Agreement for the donation, transfer, assignment, and conveyance of the Do'ag**
16 **Vecho Cemetery from the Hia-Ced O'odham Alliance to the Tohono O'odham**
17 **Nation and authorizes the Nation's chairperson to execute the Real Property**
18 **Donation Agreement substantially in the same form attached hereto, provided**
19 **that any amendments shall be submitted for prior approval by the Tohono**
20 **O'odham Legislative Council, and to take all other actions necessary to carry out**
21 **the intent of this Resolution.**

22 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH**
23 **day of AUGUST 2023 at a meeting at which a quorum was present with a vote of 3,218.0 FOR;**
24 **~~0~~ AGAINST; ~~0~~ NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by,**
25 **Article VI, Section 1(b), Section 1(f), and Section 1(i)(3); and Article XVI, Section 9 of the**
26 **Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on**
27 **January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs**
28 **(Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).**
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31 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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35 **Alberta J. Ray, Legislative Vice Chairwoman**

36
37 10 day of August, 2023
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1 ATTEST:

2 *Evonne Wilson*

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4 Evonne Wilson, Legislative Secretary

5
6 10 day of August, 2023

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8 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
9 O'odham Nation on the 10 day of August, 2023 at 8:16 o'clock, a.m.,
10 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
11 effective upon his approval or upon his failure to either approve or disapprove it within 48
12 hours of submittal.

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15 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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17 *Alberta J. Ray*
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19 Alberta J. Ray, Legislative Vice Chairwoman

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24 APPROVED

on the 10 day of August, 2023

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26 DISAPPROVED

at 8:25 o'clock, a.m.

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29 *Ned Norris, Jr.*
30 NED NORRIS, JR., CHAIRMAN
31 TOHONO O'ODHAM NATION

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36 Returned to the Legislative Secretary on the 10 day of

37 August, 2023, at 12:34 o'clock, p.m.

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39 *Evonne Wilson*
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42 Evonne Wilson, Legislative Secretary

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ACTION: AUTHORIZING THE ACQUISITION OF THE DO'AG VECHO (DARBY WELLS) CEMETERY AND APPROVING THE REAL PROPERTY DONATION AGREEMENT FOR THE DONATION, TRANSFER, ASSIGNMENT, AND CONVEYANCE OF THE DO'AG VECHO CEMETERY FROM THE HIA-CED O'ODHAM ALLIANCE TO THE TOHONO O'ODHAM NATION

MOVED: COUNCILMAN TIMOTHY L. JOAQUIN

SECOND: COUNCILWOMAN MARLAKAY HENRY

DATE: AUGUST 08, 2023

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. SHEILA ESPINO ()	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 ()	121.3	X			
	2. JANICE FELIX ()	121.3	X			
SAN LUCY 243.8	1. LORRAINE M. EILER ()	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			X
HICKIWAN 216.6	1. LOUIS R. LOPEZ ()	108.3	X			X
	2. DELMAM. GARCIA ()	108.3	X			
GU VO 270.7	1. GRACE MANUEL ()	135.35	X			
	2. 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	3,218.0	-0-	-0-	[02]