

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Granting a Right for a Utility Alignment to the Tohono O'odham Utility
Authority for Ventana Water Main Extension Project No. TU-19-586)**

RESOLUTION NO. 24-239

1 **WHEREAS,** the Tohono O'odham Legislative Council is authorized "to manage, protect,
2 preserve and regulate the use of property...of the Tohono O'odham Nation" and
3 "to manage, or otherwise deal with lands, or interests in land" belonging to the
4 Nation (Constitution of the Tohono O'odham Nation, Article VI, Section 1(i)(2) and
5 Section 2 (d)); and

6 **WHEREAS,** on May 15, 1991, the Nation adopted the Tohono O'odham Utility Authority's
7 ("TOUA") (formerly known as the Papago Tribal Utility, and originally established
8 pursuant to TOLC Resolution No. 08-70) Second Restated Plan of the Operation for
9 the Tohono O'odham Utility Authority," as adopted by TOLC Resolution No. 91-175
10 to plan, provide and furnish utility services to all areas within the Nation, to
11 acquire, construct, operate, maintain, promote and expand utility systems to
12 furnish electric, gas, water, sewer and telephone services within the Nation's
13 lands; and

14 **WHEREAS,** the Bureau of Indian Affairs, Department of the Interior, disseminated amended
15 regulations at 25 CFR Part 169 Rights-of-Way Over Indian Lands, which provide,
16 in part, that an independent legal entity that is wholly owned and operated by a
17 tribe that owns 100 percent of the trust or restricted interests in land does not
18 need to obtain a BIA right-of-way but instead such tribe shall pass a resolution
19 authorizing access to the entity, without BIA approval, including a legal land
20 description, and shall submit both documents to the BIA for its records (25 CFR
21 §169.4); and

22 **WHEREAS,** on January 18, 2017, the TOLC approved Utility Alignment Recordation
23 Procedures for TOUA, a wholly owned and operated tribal utility through
24 Resolution 17-032; and

25 **WHEREAS,** the Ventana Community water system has the technical capacity in both well
26 production and storage capacity to support the proposed expansion to serve the
27 additional homes; and

28 **WHEREAS,** this project was made possible through the Tohono O'odham Nation (TON) under
29 the Provision Public Law 86-121, submitted a Project Proposal requesting
30 assistance from the Indian Health Services (IHS) for the construction of
31 sanitation facilities to serve BIA-HIP and other Category housing units
32 throughout the Tohono O'odham Nation, and this project proposes to construct
33 the necessary water supply and waste disposal facilities for six projects; and

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1
2 **WHEREAS, the new utility alignment is 1.20 acres of land more or less, 50 feet wide lying 25**
3 **feet on each side of the centerline, which is more particularly described in**
4 **Attachment 5 – legal land description, and survey map; and**

5 **WHEREAS, the Nation's Cultural Affairs Office and the Wildlife and Vegetation Management**
6 **Program, have provided Cultural Resource and Biological clearances for the**
7 **utility easement; and**

8 **WHEREAS, the Hikiwan District Council have approved Resolution No. HDC-23-050,**
9 **supporting the Tohono O'odham Utility Authority and Indian Health Service**
10 **Project No. TU 19-586; and**

11 **WHEREAS, TOUA has submitted a complete application to the Nation's Realty Office for the**
12 **approval and recordation of a new utility alignment as required under the**
13 **Nation's Utility Alignment Recordation Procedures; and**

14 **WHEREAS, the Agricultural and Natural Resources Committee has reviewed and**
15 **recommends to the Legislative Council the approval of the utility**
16 **alignment/easement.**

17 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council grants to**
18 **TOUA a right to utility alignment for Project TU 19-586, for the Ventana**
19 **Community extension water main system, on the submittal of an acceptable**
20 **Application for Utility Alignment with all documentation required by the**
21 **Application and which includes an accurate legal land description in accordance**
22 **with 25 CFR 169.102(b) (1), and a survey grade Map of Definite Location, prepared**
23 **in accordance with 25 CFR §169.102(b) (2) as these sections may be amended from**
24 **time to time, certified by a registered professional engineer or an Arizona**
25 **Registered Land Surveyor.**

26 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council grants approval of any**
27 **encroachment permits for this project, including future individual services**
28 **installed on the system, which may be granted by the Bureau of Indian Affairs**
29 **pursuant to federal regulations to allow the utility alignment or service lines to**
30 **individual customers to crossroads constructed by the Bureau of Indian Affairs.**

31 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the Nation's**
32 **chairperson, or his designee, is authorized to execute any documents reasonably**
33 **necessary to implement this resolution.**
34

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06TH day of AUGUST 2024 at a meeting at which a quorum was present with a vote of 3,263.3 FOR; -0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(i)(2), (2)(d) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Wavalene M. Saunders
Wavalene M. Saunders, Legislative Chairwoman

9 day of August, 2024

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary

8 day of August, 2024

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 9 day of August, 2024 at 9:30 o'clock, a.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

Wavalene M. Saunders
Wavalene M. Saunders, Legislative Chairwoman

APPROVED

on the 11 day of August, 2024

DISAPPROVED

at 4:09 o'clock, p.m.

Verlon M. Jose
VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

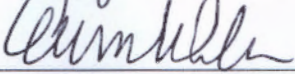
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Returned to the Legislative Secretary on the 12 day of

August, 2024, at 2:10 o'clock, p.m.



Evonne Wilson, Legislative Secretary

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ACTION: GRANTING A RIGHT FOR A UTILITY ALIGNMENT TO THETOHONO O'ODHAM UTILITY AUTHORITY FOR VENTANA WATER MAIN EXTENSION PROJECT NO. TU-19-586**MOVED: VICE CHAIRWOMAN MARLAKAY HENRY****SECOND: COUNCILMAN ROGER MANUEL****DATE: AUGUST 06, 2024**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 394.2	1. LEANDER MASE (Francine Schooling) 2. JESSE NAVARRO (Alberta J. Ray)	197.1 197.1	X X			X
CHUKUT KUK 354.7	1. VIVIAN JUAN-SAUNDERS (Cornelius Antone) 2. MARLAKAY HENRY ()	177.35 177.35	X X			
GUACHI 282.7	1. VICTORIA HOBBS (Tonya L. Joaquin) 2. JEROME F. JOAQUIN ()	141.35 141.35	X X			
GU VO 276.0	1. DALLAS LEWIS () 2. LESLIE LUNA ()	138.0 138.0	X X			X
HICKIWAN 220.5	1. DELMA M. GARCIA () 2. LOUIS R. LOPEZ (Loretta A. Ortega)	110.25 110.25	X X			
PISINEMO 236.2	1. EDWARD D. MANUEL (Monica Morgan) 2. PAMELA J. BENAVIDEZ (Nora J. Ruelas)	118.1 118.1	X X			
SAN LUCY 257.6	1. ROGER MANUEL (Christina Andrews) 2. GLORIA M. RAMIREZ (Lorraine M. Eiler)	128.8 128.8	X X			
SAN XAVIER 244.5	1. JANICE FELIX () 2. DANIEL L.A. PRESTON III ()	122.25 122.25	X X			
SCHUK TOAK 191.8	1. DELISA M. RAMON (Sharon A. Francisco) 2. THEORIA CAMPILLO (Rebecca Ann Valentine)	95.9 95.9	X X			
SELLS 558.0	1. EVELYN JUAN MANUEL (Arvada Liston) 2. JANET B. ELEANDO ()	279.0 279.0	X X			
SIF OIDAK 247.1	1. LUCINDA ALLEN (Francis Homewytewa) 2. WAVALENE M. SAUNDERS (Mary Lopez)	123.55 123.55	X X			
	TOTAL	3,263.30	3,263.3	-0-	-0-	[02]