

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Authorizing FY 2009 Expenditures from the SAWRSA Trust Fund for the Replacement and Repair of Irrigation Structures at the Schuk Toak Farm)**

**RESOLUTION NO. 09-318**

- 1 **WHEREAS, the Tohono O'odham Legislative Council, by means of Resolution No. 99-334,**  
2 **authorized and directed the completion of tribal responsibilities and obligations**  
3 **related to construction of facilities for utilization of Central Arizona Project water and**  
4 **irrigation systems in the eastern Schuk Toak District; and**
- 5 **WHEREAS, the irrigation facilities and agricultural operations have been affirmed by subsequent**  
6 **amendments to SAWRSA, the expenditure of federal funds to construct and remediate**  
7 **the facilities, and additional allocations of water for agricultural uses; and**
- 8 **WHEREAS, the irrigation structures and facilities have been in use for the past eight (8) years and**  
9 **the Nation has nurtured a viable commercial agricultural enterprise; and**
- 10 **WHEREAS, constant use and aging of the irrigation structures has shown some of those structures**  
11 **beginning to develop cracks and erosion damage; and**
- 12 **WHEREAS, excessive damage, failure and loss of the use of these facilities would lead to waste,**  
13 **inefficiency and a detriment to the beneficial use of the water resource and**  
14 **agricultural facilities; and**
- 15 **WHEREAS, analysis, structural repair and replacement of these failing facilities is a function**  
16 **beyond typical farming operation, maintenance and repair activities; but, remains a**  
17 **responsibility of the Nation to safeguard the integrity of the facilities; and**
- 18 **WHEREAS, in the first quarter of FY2009, the Water Projects Office inventoried all of the project**  
19 **structures and developed a plan to mitigate the cracking and repair and replace those**  
20 **facilities which are damaged or badly eroded; and**
- 21 **WHEREAS, the degree of damage or imminent damage was used to prioritize these structures for**  
22 **immediate replacement, short horizon replacement and medium horizon**  
23 **replacement and structural repairs; and**
- 24 **WHEREAS, the Nation previously approved budgets from remaining federal construction funds**  
25 **to begin replacement of high-priority damaged structures, however, additional**  
26 **funding will be necessary to address the remaining high-priority items and to enable**  
27 **replacement of those other structures identified, or they will ultimately become**  
28 **priorities as well; and**
- 29 **WHEREAS, the Water Projects Office submitted the attached budget and justification for FY 2009**  
30 **to enable the Nation to perform replacement of seven (7) structures, begin repair of**

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1 valves, gears and distributions support structures and mitigate the damage caused  
2 by cracking in 79,000 lineal feet of canals; and

3 WHEREAS, now that construction of the water delivery system is completed, repair and  
4 maintenance of the system is primarily the Nation's responsibility, and such activity  
5 has been in the past funded by the SAWRSA Trust Fund; and

6 WHEREAS, the Water Projects Office requests from the Tohono O'odham Legislative Council,  
7 approval of funding from the SAWRSA Trust Fund to replace and repair irrigation  
8 structures on the Schuk Toak Farm for an amount of \$370,906.64.

9 NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it hereby  
10 approves the funding request and authorizes the expenditures in the amount of  
11 \$370,906.64 to complete tasks indicated in the attached budget for the fiscal year 2009.

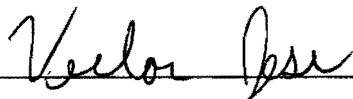
12 BE IT FURTHER RESOLVED that funds in the amount of \$370,906.64 are hereby appropriated from  
13 the SAWRSA Trust Fund to cover expenditures during the period from October 01, 2008  
14 through September 30, 2009 and the budget is retroactive to October 01, 2008.

15 BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council hereby authorizes the  
16 Chairperson and any designated official to expend and administer the budget as  
17 attached, provided that any amendments affecting the funds or funding level shall be  
18 submitted for further prior approval by the Tohono O'odham Legislative Council.

19 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 22<sup>ND</sup>. Day  
20 of MAY, 2009 at a meeting at which a quorum was present with a vote of 1,803.85 FOR; 730.65  
21 AGAINST; -0- NOT VOTING; and [07] ABSENT, pursuant to the powers vested in the Council by Article  
22 VI Section 1(d)(2) & (f) of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono  
23 O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -  
24 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48  
25 Stat. 984).

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

  
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Verlon M. Jose, Legislative Chairman  
17 day of June, 2009

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ATTEST:

Yvonne Wilson for

Evonne Wilson, Legislative Secretary

22 day of May, 2009.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 17 day of June, 2009 at 11:39 o'clock, 4 .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

Verlon Jose  
Verlon M. Jose, Legislative Chairman

APPROVED

on the 18 day of June, 2009

DISAPPROVED

at 9:42 o'clock, A .M.

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

Returned to the Legislative Secretary on the 18 day of

June, 2009, at 10:07 o'clock, A .M.

Yvonne Wilson for  
Evonne Wilson, Legislative Secretary

**ACTION:** AUTHORIZING FY 2009 EXPENDITURES FROM THE SAWRSA TRUST FUND FOR THE REPLACEMENT AND REPAIR OF IRRIGATION STRUCTURES AT THE SCHUK TOAK FARM

**MOVED:** COUNCILWOMAN OLIVIA VILLEGAS-LISTON

**SECOND:** COUNCILWOMAN FRANCES MIGUEL

**DATE:** MAY 22, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (Vernon Smith)	158.45	X			X
<b>CHUKUT KUK</b> 264.8	1. ETHEL GARCIA ( )	132.40	X			
	2. VERLON M. JOSE ( )	132.40	X			X
<b>GU ACHI</b> 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ( )	113.95		X		
<b>GU VO</b> 199.2	1. GRACE MANUEL ( )	99.60	X			X
	2. RAYMOND VICTOR ( )	99.60	X			
<b>HICKIWAN</b> 172.0	1. MICHELLE ORTEGA ( )	86.00		X		X
	2. SANDRA ORTEGA (Louie Lopez)	86.00		X		
<b>PISINEMO</b> 182.4	1. CHESTER ANTONE ( <i>Absent</i> ) (Tony Murrietta) ( <i>Present</i> )	91.20	X			
	2. GERALD FAYUANT ( )	91.20	X			X
<b>SAN LUCY</b> 181.1	1. LORRAINE EILER ( )	90.55	X			
	2. GLORIA RAMIREZ ( )	90.55	X			
<b>SAN XAVIER</b> 196.5	1. FELICIA NUÑEZ ( )	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			
<b>SCHUK TOAK</b> 154.6	1. FRANCES B. CONDE ( <i>Absent</i> ) (Frederick Jose) ( <i>Present</i> )	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			X
<b>SELLS</b> 444.7	1. KIMBERLY LISTO ( )	222.35		X		
	2. EVELYN B. JUAN MANUEL ( )	222.35		X		
<b>SIF OIDAK</b> 194.4	1. WAVALENE ROMERO ( )	97.20	X			X
	2. MARY LOPEZ ( )	97.20	X			
<b>TOTAL</b>		<b>2,534.5</b>	<b>1,803.85</b>	<b>730.65</b>	<b>-0-</b>	<b>[07]</b>

\*\*PASSED VOTES