

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving American Recovery and Reinvestment Act Funds to Repair and Restore
the Tohono O'odham Nation's Roads and Bridges)

RESOLUTION NO. 09-522

- 1 **WHEREAS, the Constitution of the Tohono O'odham Nation authorizes the Tohono O'odham**
2 **Legislative Council to "promote, protect and provide for ...[the] general welfare of the**
3 **Tohono O'odham Nation and its members" and vests the Legislative Council with the**
4 **authority to "consult, negotiate and conclude agreements and contracts on behalf of**
5 **the Tohono O'odham Nation with Federal, State and local governments. . ."**
6 **(Constitution, Article VI, Section 1(c) and (f)); and**
- 7 **WHEREAS, President Barack Obama signed the American Recovery and Reinvestment Act**
8 **("ARRA") of 2009 (H.R. 1) into law on February 17, 2009 as Public Law 111-5, which**
9 **included about \$2.5 billion for Indian health, education, infrastructure, water and**
10 **other projects, and authorized \$2.2 billion in tribal tax bonding authority for**
11 **economic development and construction; and**
- 12 **WHEREAS, ARRA includes appropriations to the Federal Highway Administration and the Federal**
13 **Lands Highway Program which designates \$143 million to the Indian Reservation**
14 **Roads Program ("IRR Program") of which the Nation is eligible to apply and receive**
15 **funding for road and bridge construction and maintenance; and**
- 16 **WHEREAS, the Nation annually receives funds from the IRR Program and therefore is qualified**
17 **to obtain funds from ARRA; and**
- 18 **WHEREAS, the Nation has an option to execute a Public Law 93-638 Master Contract for the funds**
19 **or instead opt for the BIA to administer the ARRA maintenance funds; and**
- 20 **WHEREAS, the total funding amount available to the Nation is based on the IRR Program's**
21 **criteria, which consists of:**
- 22 **50% - Historical allocation under Tribal Priority Allocation ("TPA"); and**
23 **50% - Percentage of road miles designated as Level of Service Three (LOS-3) Poor**
24 **Condition, according to the Condition Rating of Service Levels for Roads**
25 **("Paved/Unpaved & Bridges Assessment")**
- 26 **WHEREAS, the IRR Program selects projects by assessing the condition of the roads and identifies**
27 **which roads and bridges will benefit the most from eligible projects in terms of**
28 **extending the road or bridge's useful life, and increasing the miles of roads and**
29 **bridges in acceptable conditions; and**
- 30 **WHEREAS, the Nation will receive \$4,230,000.00 based on the IRR Program's established criteria**
31 **to improve BIA roads and bridges on the Nation; and**
- 32 **WHEREAS, the Nation acknowledges and understands that there will be stringent reporting**
33 **requirements associated with ARRA funds and the Nation accepts and commits to**
34 **meet those requirements; and**
- 35

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1 **WHEREAS, the Natural Resources Committee and Executive Branch have reviewed and**
2 **recommend the acceptance of \$4,230,000.00 in ARRA funds for BIA roads and bridges**
3 **improvement on the Nation.**

4 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it hereby**
5 **approves acceptance of the \$4,230,000.00 in ARRA funds for BIA roads and bridges**
6 **improvement on the Nation.**

7 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that it authorizes and**
8 **directs the Nation's Chairman to:**

- 9 **1. Communicate the Tohono O'odham Nation's acceptance of the ARRA funds to the**
10 **Bureau of Indian Affairs, Western Regional Office, Division of Transportation so**
11 **that the Nation may obligate \$4,230,000.00 of the American Recovery and**
12 **Reinvestment Act Funds.**
- 13 **2. Coordinate with the Bureau of Indian Affairs Regional Office, Western Regional**
14 **Office, Division of Transportation to implement, monitor, and report on the**
15 **administration of the \$4,230,000.00 in ARRA Road Maintenance Funds.**

16 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 30TH. Day**
17 **of SEPTEMBER, 2009 at a meeting at which a quorum was present with a vote of 2,595.50 FOR; -0-**
18 **AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by**
19 **Section 1 (c)&(f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the**
20 **Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
21 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
22 **18, 1934 (48 Stat. 984).**

23
24 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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27 
28 **Verlon M. Jose, Legislative Chairman**

29
30 30th day of Sept., 2009

31 **ATTEST:**

32 
33 _____
34 **Evonne Wilson, Legislative Secretary**

35
36 30 day of September, 2009.

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38 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham**
39 **Nation on the 30th day of Sept., 2009 at 5:09 o'clock, P.M.,**
40 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
41 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
42 **submittal.**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

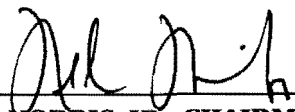

Verlon M. Jose, Legislative Chairman

APPROVED

on the 30 day of September, 2009

DISAPPROVED

at 5:00 o'clock, P.M.


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

Returned to the Legislative Secretary on the 30 day of

September, 2009, at 5:25 o'clock, P.M.


Evonne Wilson, Legislative Secretary

ACTION: APPROVING AMERICAN RECOVERY AND REINVESTMENT ACT FUNDS TO REPAIR AND RESTORE THE TOHONO O'ODHAM NATION'S ROADS AND BRIDGES

MOVED: COUNCILWOMAN PAMELA ANGHILL

SECOND: COUNCILMAN TIMOTHY JOAQUIN

DATE: SEPTEMBER 30, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 198.7	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			
	2. MARY LOPEZ ()	99.35	X			
SELLS 449.6	1. KIMBERLY LISTO ()	224.80	X			
	2. EVELYN B. JUAN MANUEL ()	224.80	X			
SCHUK TOAK 159.0	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (<i>Absent</i>) (Agnes Joaquin) (<i>Present</i>)	79.50	X			
SAN XAVIER 204.7	1. FELICIA NUÑEZ ()	102.35	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35	X			
SAN LUCY 187.1	1. LORRAINE EILER (Charlotte Cadavas)	93.55	X			
	2. GLORIA RAMIREZ ()	93.55	X			
PISINEMO 184.5	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
HICKIWAN 174.5	1. MICHELLE ORTEGA ()	87.25	X			
	2. SANDRA ORTEGA ()	87.25	X			
GU VO 206.3	1. GRACE MANUEL ()	103.15	X			
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			
GU ACHI 230.1	1. TIMOTHY L. JOAQUIN ()	115.05	X			
	2. CYNTHIA E. MANUEL ()	115.05	X			
CHUKUT KUK 277.0	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ()	138.50	X			X
BABOQUIVARI 324.0	1. FRANCES MIGUEL (<i>Absent</i>) (Roberta Harvey) (<i>Present</i>)	162.0	X			
	2. FRANCES G. ANTONE ()	162.0	X			
TOTAL		2,595.50	2,595.50	-0-	-0-	[01]