

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving the Selection of Sikol Himatk Road IRR 232 Phase II Project for Redistribution**  
**"Swept" funds of American Recovery & Reinvestment Act Construction Funds)**

**RESOLUTION NO. 09-657**

- 1 **WHEREAS, the Constitution of the Tohono O'odham Nation (the Nation)authorizes the Tohono**  
2 **O'odham Legislative Council to "promote, protect and provide for . . .[the] general**  
3 **welfare of the Tohono O'odham Nation and its members" and vests the Legislative**  
4 **Council with the authority to "consult, negotiate and conclude agreements and**  
5 **contracts on behalf of the Tohono O'odham Nation with Federal, State and local**  
6 **governments. . ." (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, the ARRA appropriates funds to the Federal Highway Administration and the Federal**  
13 **Lands Highway Program, including \$310 million to the Indian Reservation Roads**  
14 **("IRR") Program; and**
- 15 **WHEREAS, that after one year following the enactment of this Act, to the prompt use of the \$310**  
16 **million provided for investment in Indian Reservation Roads program and Federal**  
17 **lands, the Secretary shall have the authority to redistribute unobligated funds within**  
18 **the respective program which the funds were appropriated; and**
- 19 **WHEREAS, the Nation annually receives funds from the IRR Program and therefore is qualified**  
20 **to obtain funds from the ARRA appropriation; and**
- 21 **WHEREAS, the Nation selects Project Sikol Himatk Road IRR 232 Phase II, beginning at the end**  
22 **of San Luis Project PIR 232 (1)Phase I of the 2009 allocation of ARRA funds and heading**  
23 **west for approximately 2.4 miles ending at Sikol Himatk community(map attached),**  
24 **as a IRR Program Road Construction Project; and**
- 25 **WHEREAS, the total funding amount available to the Nation under ARRA appropriation is based**  
26 **on FY 2008 IRR Construction Projects that are currently defined as "shovel ready" and**  
27 **the Sikul Himatk Road IRR 232 Phase II Project qualifies as such; and**
- 28 **WHEREAS, the Nation requests the Bureau of Indian Affairs (BIA) Western Regional Office to place**  
29 **the Sikol Himatk Road IRR 232 Phase II project on the Region's ARRA TIP, which is a**

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1 requirement for consideration of swept construction funds; and

2 **WHEREAS, the Nation acknowledges and understands that there will be stringent reporting**  
3 **requirements associated with ARRA funds and the Nation accepts and will meet those**  
4 **requirements; and**

5 **WHEREAS, the Natural Resources Committee, Budget and Finance Committee, and Executive**  
6 **Branch have reviewed and recommended the Sikol Himatk Road IRR 232 Phase II**  
7 **Project for Redistribution "Swept" ARRA 2010 appropriations.**

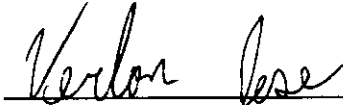
8 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it selects the**  
9 **Sikol Himatk Road IRR 232 Phase II Project (map attached) as the Nation's FY 2010 IRR**  
10 **Program Road Construction Project.**

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

- 13 1. **Communicate the Nation's selection of Sikol Himatk Road IRR 232 Phase II Project**  
14 **to the Bureau of Indian Affairs, Western Regional Office Division of Transportation**  
15 **so that the Nation may obligate \$2,000,000 of the American Recovery and**  
16 **Reinvestment Act Funds.**
- 17 2. **Coordinate with the Bureau of Indian Affairs Regional Office, Division of**  
18 **Transportation, to administer, to implement, monitor, and report on the**  
19 **administration of the \$2,000,000 in ARRA Funds.**
- 20 3. **Communicate with the Bureau of Indian Affairs Regional Office, Division of**  
21 **Transportation, to place the Sikol Himatk Road IRR 232 Phase II project on the**  
22 **Region's ARRA TIP.**

23 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 22<sup>ND</sup>. Day**  
24 **of DECEMBER, 2009 at a meeting at which a quorum was present with a vote of 2,595.50 FOR; -0-**  
25 **AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Article**  
26 **VI, Section 1 (c)&(f) of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**  
27 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**  
28 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**  
29 **Stat. 984).**

30 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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33 \_\_\_\_\_  
34 **Verlon M. Jose, Legislative Chairman**

35 30 day of December, 2009  
36

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1 ATTEST:

2 *Evonne Wilson*

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4 Evonne Wilson, Legislative Secretary

5  
6 22 day of December, 2009.

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8 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham  
9 Nation on the 30 day of December, 2009 at 12:33 o'clock, P..M.,  
10 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective  
11 upon his approval or upon his failure to either approve or disapprove it within 48 hours of  
12 submittal.

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14 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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16 *Verlon Jose*

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18 Verlon M. Jose, Legislative Chairman

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23  APPROVED

on the 30 day of December, 2009

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25  DISAPPROVED

at 1:30 o'clock, P..M.

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27 *Ned Norris, Jr.*

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

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35 Returned to the Legislative Secretary on the 30 day of

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37 December, 2009, at 3:04 o'clock, P..M.

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39 *Evonne Wilson*

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41 Evonne Wilson, Legislative Secretary

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**ACTION: APPROVING THE SELECTION OF SIKOL HIMATK ROAD IRR 232 PHASE II PROJECT FOR REDISTRIBUTION "SWEEP" FUNDS OF AMERICAN RECOVERY & REINVESTMENT ACT CONSTRUCTION FUNDS**

**Moved: COUNCILMAN TIMOTHY JOAQUIN**

**SECOND: COUNCILWOMAN EVELYN JUAN MANUEL**

**DATE: DECEMBER 22, 2009**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF ODAK</b> <b>198.7</b>	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			X
	2. MARY LOPEZ ( )	99.35	X			
<b>SELLS</b> <b>449.6</b>	1. KIMBERLY LISTO ( )	224.80	X			
	2. EVELYN B. JUAN MANUEL ( )	224.80	X			
<b>SCHUK TOAK</b> <b>159.0</b>	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
<b>SAN XAVIER</b> <b>204.7</b>	1. FELICIA NUÑEZ ( )	102.35	X			X
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35	X			
<b>SAN LUCY</b> <b>187.1</b>	1. LORRAINE EILER (Charlotte Cadavas)	93.55	X			X
	2. GLORIA RAMIREZ ( )	93.55	X			
<b>PISINEMO</b> <b>184.5</b>	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
<b>HICKIWAN</b> <b>174.5</b>	1. MICHELLE ORTEGA ( )	87.25	X			
	2. SANDRA ORTEGA ( )	87.25	X			
<b>GU VO</b> <b>206.3</b>	1. GRACE MANUEL ( )	103.15	X			X
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			
<b>GU ACHI</b> <b>230.1</b>	1. TIMOTHY L. JOAQUIN ( )	115.05	X			
	2. CYNTHIA E. MANUEL (Louis J. Johnson)	115.05	X			
<b>CHUKUT KUK</b> <b>277.0</b>	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ( )	138.50	X			
<b>BABOQUIVARI</b> <b>324.0</b>	1. FRANCES MIGUEL (Roberta Harvey)	162.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	162.0	X			
<b>TOTAL</b>		<b>2,595.50</b>	<b>2,595.50</b>	<b>-0-</b>	<b>-0-</b>	<b>[04]</b>