



GILA RIVER INDIAN COMMUNITY

SACATON, AZ 85147

RESOLUTION GR-069-17

A RESOLUTION AUTHORIZING THE TRANSFER OF ALL REMAINING SAN CARLOS IRRIGATION PROJECT NON-IRRIGATION CUSTOMERS WITHIN THE EXTERIOR BOUNDARIES OF THE GILA RIVER INDIAN COMMUNITY AND APPROVING THE AMENDED AND RESTATED ELECTRIC WHEELING AGREEMENT BETWEEN THE GILA RIVER INDIAN COMMUNITY, THE GILA RIVER INDIAN COMMUNITY UTILITY AUTHORITY, THE BUREAU OF INDIAN AFFAIRS AND THE SAN CARLOS IRRIGATION PROJECT

WHEREAS, the Gila River Indian Community Council (the "Community Council") is empowered, pursuant to Article XV of the Community's Constitution and Bylaws, to perform acts of a public nature that are not prohibited by federal law or the Community's Constitution and Bylaws; and

WHEREAS, the Community Council established the Gila River Indian Community Utility Authority ("GRICUA") by adopting Resolution GR-22-98; and

WHEREAS, the Community Council adopted Resolution GR-07-99 establishing GRICUA's Plan of Operation which provides in part that GRICUA shall acquire, construct, operate, maintain, promote and expand utility services on the Reservation; and

WHEREAS, on January 5, 2007 the Community Council adopted Resolution GR-219-06 which approved the Wheeling Agreement by and between GRICUA, the Gila River Indian Community ("the Community"), the Bureau of Indian Affairs ("BIA") and the San Carlos Irrigation Project ("SCIP") ("2007 Wheeling Agreement").

WHEREAS, under the 2007 Wheeling Agreement GRICUA provided electric services to (i) all new electric customers within the Gila River Indian Community that formerly would have been served by SCIP and (ii) to existing SCIP customers that requested to receive service from GRICUA; and

WHEREAS, Since the inception of the 2007 Wheeling Agreement GRICUA's customer base has grown to approximately 2,760 customers within Districts 1 – 5 and portions of District 6, while SCIP currently maintains a customer base of approximately between 700 to 800 customers within the Community excluding SCIP irrigation customers; and

WHEREAS, SCIP now desires to transfer all remaining electric utility customers, excluding SCIP irrigation customers, to GRICUA and GRICUA has the skill, knowledge, ability and experience to receive and service all the remaining SCIP customers located within the exterior boundaries of the Gila River Indian Community; and

WHEREAS, GRICUA and SCIP have negotiated the terms of an Amended and Restated Wheeling Agreement (“Amended and Restated Wheeling Agreement”), that includes the following provisions: (i) GRICUA shall serve all electric load within the SCIP service area that is located within the exterior boundaries of the Gila River Indian Community including all remaining SCIP customers, except for SCIP irrigation customers, (ii) SCIP will take immediate action to commence such transfer of load and customers to GRICUA and (iii) that GRICUA will take immediate action to receive such transfer of load and customers from SCIP; and

WHEREAS, the Community Council believes it is in the best interest of the Community and an act of sovereignty to have a Community owned electric utility company provide electric service to residents and businesses located on the Gila River Indian Community; and

WHEREAS, the GRICUA Board of Directors approved the Amended and Restated Wheeling Agreement on behalf of GRICUA at a board meeting held on May 15, 2017; and

WHEREAS, the Community Council believes it is in the best interest of the Community to have GRICUA provide electric service to all remaining SCIP customers, excluding the SCIP irrigation customers, and to approve the Amended and Restated Wheeling Agreement; and

WHEREAS, the Amended and Restated Wheeling Agreement does not include a waiver of sovereign immunity.

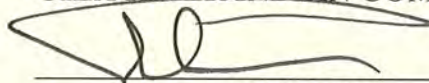
NOW, THEREFORE, BE IT RESOLVED, that the Community Council approves the Amended and Restated Wheeling Agreement between the Gila River Indian Community, GRICUA, the Bureau of Indian Affairs and the San Carlos Irrigation Project that includes the following terms: (i) GRICUA shall serve all electric load within the SCIP service area that is located within the exterior boundaries of the Gila River Indian Community including all remaining SCIP customers, except for SCIP irrigation customers, (ii) SCIP will take immediate action to commence such transfer of load and customers to GRICUA and (iii) that GRICUA will take immediate action to receive such transfer of load and customers from SCIP.

BE IT FINALLY RESOLVED, that the Community Council authorizes the Governor, or in the Governor’s absence, the Lieutenant Governor, to execute and take all other necessary steps to effect the intent of this Resolution.

CERTIFICATION

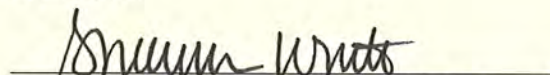
Pursuant to authority contained in Article XV, Section 1 (a) (1), (7), (9), (13), (18) (b) (5) and Section 4 of the amended Constitution and Bylaws of the Gila River Indian Community, ratified by the Tribe January 22, 1960 and approved by the Secretary of the Interior on March 17, 1960, the foregoing Resolution was adopted on the 07th day of June, 2017, at a Regular Community Council Meeting held in District 3, Sacaton, AZ, at which a quorum of 17 members were present by a vote of: 16 FOR; 0 OPPOSE; 1 ABSTAIN; 0 ABSENT; 0 VACANCY.

GILA RIVER INDIAN COMMUNITY



GOVERNOR

ATTEST:


COMMUNITY COUNCIL SECRETARY

RECEIVED PIMA AGENCY

JUN 12 2017

BUREAU OF INDIAN AFFAIRS
SACATON, ARIZONA