



AGUA CALIENTE BAND OF CAHUILLA INDIANS  
TRIBAL COUNCIL

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## Resolution No. 45-19

### Appointment of Agua Caliente Water Authority Board

**WHEREAS**, the Agua Caliente Band of Cahuilla Indians (“Tribe”) is a federally recognized Indian tribe and the Tribal Council is the elected governing body of the Tribe by authority of Article IV of the Tribe’s Constitution and By-Laws, approved and adopted by the Commissioner of Indian Affairs on April 18, 1957; and

**WHEREAS**, Article V, subsection (a) of the Tribe’s Constitution directs the Tribal Council to “regulate the uses and disposition of tribal property; to protect and preserve the Tribal property, including wildlife and natural resources;” and

**WHEREAS**, among the property and natural resource most valuable to the Tribe is the groundwater underlying the Reservation, which has been of fundamental importance to the Tribe since time immemorial; and

**WHEREAS**, the Tribe holds the full equitable title to groundwater appurtenant to the Reservation in an amount necessary to fulfill the purposes of the Reservation, as confirmed in *Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water Dist.*, 849 F.3d 1262 (9th Cir.), *cert denied*, 138 S. Ct. 468, 199 L. Ed. 2d 356 (2017), and *cert. denied sub nom. Desert Water Agency v. Agua Caliente Band of Cahuilla Indians*, 138 S. Ct. 469, 199 L. Ed. 2d 356 (2017); and

**WHEREAS**, no other government possesses authority to regulate the Tribe’s groundwater to protect it from diminution, degradation, trespass, or injury, and in the absence of governmental regulation, the aquifer underlying the Reservation presently suffers from a state of long-standing overdraft, resulting in declining groundwater levels under the Reservation; and

**WHEREAS**, the authority to manage groundwater appurtenant to the Agua Caliente Reservation inherently lies within the retained powers of the Tribe and is consistent with long-standing federal policies of supporting tribal self-determination, self-governance, and economic self-sufficiency; and

**WHEREAS**, Tribal Ordinance No. 55, the Agua Caliente Water Authority Ordinance, enacted on August 6, 2019, established the Agua Caliente Water Authority (“Authority”) in exercise of the Tribe’s power to regulate the Tribe’s groundwater for the purpose of protecting the public health, safety, welfare, and economic security of the Tribe, tribal members, tribal entities, and the Reservation community as defined in that Ordinance; and

**WHEREAS**, the Tribe, through Ordinance No. 55, established an Agua Caliente Water Authority Board (“Authority Board”) to carry out the duties and powers of the Authority as set forth in the Ordinance; and



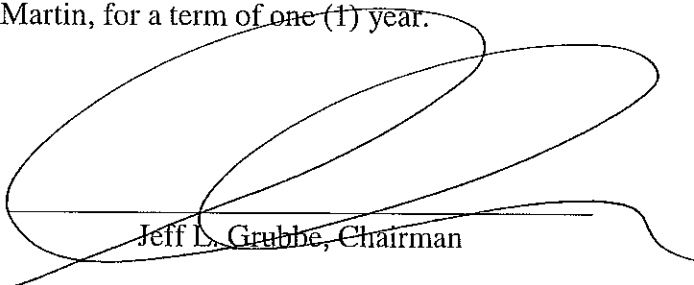
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**WHEREAS**, the Tribal Council, is required through Ordinance No. 55, to appoint members of the Authority Board, which shall consist of one (1) member of Tribal Council who serves as an ex-officio member and five (5) individuals who have a range of qualified professional and academic experience related to water, provided that the member is not an officer, employee, director, or agent of a Non-Tribal Water Agency, as that term is defined in Ordinance No. 55; and

**NOW THEREFORE BE IT RESOLVED**, in exercise of the inherent sovereign authority of the Tribe and pursuant to sections (a), (b), (g), (o) of Article V of the Tribe's Constitution, as well as Tribal Ordinance No. 55, the Tribal Council hereby makes the following appointments to the Agua Caliente Water Authority Board for terms that will begin on this date of appointment:

- Tribal Council ex-officio Board Member Jeff L. Grubbe, for a term of one (1) year; and
- Board Member Art Bunce, for a term of two (2) years; and
- Board Member Dan Shillito, for a term of two(2) years; and
- Board Member Manny Rosas, for a term of one (1) year; and
- Board Member Blake Murillo, for a term of one (1) year; and
- Board Member Russ Martin, for a term of one (1) year.

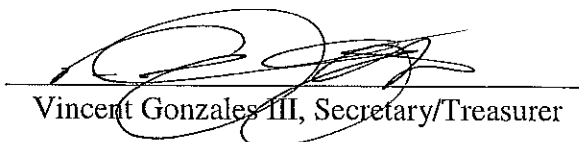
Dated: October 8, 2019



Jeff L. Grubbe, Chairman

#### CERTIFICATION

I, the undersigned, the Secretary of the Agua Caliente Band of Cahuilla Indians, hereby certify that the Tribal Council is composed of five members of whom 4 constituting a quorum, were present at a meeting whereof duly called and noticed, convened and held this 8th day of October, 2019; that the foregoing resolution was duly adopted at such meeting by a vote of 3-0-0 members and that said resolution has not been rescinded or amended in any way.



Vincent Gonzales III, Secretary/Treasurer