

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Resolution of Consent in Support of Tohono O'odham Utility Authority's
Application to Rural Utilities Service for the Rural eConnectivity Program)**

RESOLUTION NO. 22-052

- 1 **WHEREAS,** **the Tohono O'odham Nation ("Nation") is a federally recognized Indian tribe,**
2 **organized pursuant to Section 16 of the Indian Reorganization Act of June 18,**
3 **1934 (48 Stat. 984; 25 U.S.C. § 476), which exercises sovereignty over its members,**
4 **its enterprises, and its lands; and**
- 5 **WHEREAS,** **the Constitution of the Tohono O'odham Nation vests the Legislative Council with**
6 **the authority to "authorize, charter and regulate public or private corporations**
7 **and associations whether organized for profit, or for non-profit or charitable**
8 **purposes" and "to promote, protect and provide for public health, peace, morals,**
9 **education and general welfare of the Tohono O'odham Nation and its members"**
10 **(Constitution, Article VI, Section 1(e) and Section 1(c)(2)); and**
- 11 **WHEREAS,** **the Second Restated Plan of Operation of the Tohono O'odham Utility Authority**
12 **("TOUA Plan of Operation"), codified at 24 Tohono O'odham Code Chapter 1, was**
13 **adopted by Legislative Council Resolution No. 91-175; and**
- 14 **WHEREAS,** **the stated purposes of the TOUA Management Board include, among other**
15 **purposes, the purpose to "plan for, provide and furnish utility services to all areas**
16 **within the Tohono O'odham Nation, where such services are determined to be**
17 **feasible and economic," to "promote the use of utility services where available in**
18 **order to improve the health and welfare of the residents of the Tohono O'odham**
19 **Nation," and to "acquire, construct, operate, maintain, promote and expand**
20 **utility systems . . . within the Tohono O'odham Nation." (TOUA Plan of Operation,**
21 **Section 4.A.1, 2, and 3); and**
- 22 **WHEREAS,** **Section 5 of the TOUA Plan of Operation grants TOUA "the franchise, right, permit,**
23 **easement and privilege of placing, erecting, constructing, repairing, removing,**
24 **replacing, maintaining, using and operating public utility systems, lines and**
25 **facilities . . . together with the right of ingress and egress . . . on, over, under and**
26 **across unallotted lands of the Tohono O'odham Nation . . . " subject to the**
27 **provisions of TOUA's Second Restated Plan of Operations; and**
- 28 **WHEREAS,** **among other powers, the TOUA Plan of Operation provides that TOUA's**
29 **Management Board shall "exercise full power and shall be responsible for the**
30 **custody and management, operation, inventory and maintenance of all utilities**
31 **and facilities; the planning, construction and operating of all new facilities; and**

RESOLUTION NO. 22-052

(Resolution of Consent in Support of Tohono O'odham Utility Authority's Application to Rural Utilities Service for the Rural eConnectivity Program)

Page 2 of 4

- 1 for the taking of any and all usual, necessary and convenient actions incidental
2 thereto" (TOUA Plan of Operation, Section 7.A.3); and
- 3 **WHEREAS,** the Rural Utilities Service ("RUS") published Funding Opportunity Number: RUS-
4 REC-2022, the Rural eConnectivity Program ("ReConnect Program"), a program
5 that provides loans, grants, and loan/grant combinations to facilitate broadband
6 deployment in rural areas; and
- 7 **WHEREAS,** applications seeking funding under the ReConnect Program must be supported
8 by a tribal resolution of consent; and
- 9 **WHEREAS,** a consent resolution is required from the tribe with jurisdiction over the land at
10 issue certifying that the tribe is in support of the project and will allow
11 construction to take place on tribal land; and
- 12 **WHEREAS,** TOUA intends to apply for the funding available through the ReConnect Program
13 and, thus, a "consent resolution" is necessary to document for RUS's purposes
14 that the Nation is aware of TOUA's proposal and that the Nation "consents" to use
15 of the Nation's lands for the project TOUA has proposed in the application TOUA
16 submitted in response to Funding Opportunity Number: RUS-REC-2022, the
17 ReConnect Program; and
- 18 **WHEREAS,** the Commerce Committee reviewed and recommends TOUA's proposal, which if
19 awarded, will provide funding for a broadband deployment project that will
20 benefit those within the Nation's lands.
- 21 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council approves this
22 "Resolution of Consent" acknowledging that the Legislative Council is aware that
23 the Tohono O'odham Utility Authority has submitted an application for Rural
24 Utilities Service Funding Opportunity Number: RUS-REC-2022, the ReConnect
25 Program, which seeks funding for broadband deployment within the Nation's
26 lands.
- 27 **BE IT FINALLY RESOLVED** that the Tohono O'odham Legislative Council, consistent with 7 CFR
28 1740.60(d)(19):
- 29 (i) Approves the attached description of the land proposed by TOUA for use as
30 part of the proposed project, which may be modified to include any lands
31 made available to TOUA pursuant to 24 Tohono O'odham Code Chapter 1,
32 Section 4.A.1, 2, and 3;
- 33 (ii) Identifies the above described land as land which is held in Trust;

RESOLUTION NO. 22-052

(Resolution of Consent in Support of Tohono O'odham Utility Authority's Application to Rural Utilities Service for the Rural eConnectivity Program)


Page 3 of 4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

- (iii) Declares that the Nation is the beneficial owner of the above described trust lands; and
- (iv) Authorizes TOUA's use of the above described land for the project TOUA has proposed in the application TOUA submitted in response to Funding Opportunity Number: RUS-REC-2022, the ReConnect Program.


The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 15TH day of FEBRUARY, 2022 at a meeting at which a quorum was present with a vote of 3,218.0 FOR; -0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by, Article VI, Section 1(e) and Section 1(c)(2) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman
18 day of February, 2022

ATTEST:



Evonne Wilson, Legislative Secretary
18 day of February, 2022

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 18 day of February, 2022 at 4:40 o'clock, P.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



Timothy Joaquin, Legislative Chairman

RESOLUTION NO. 22-052

(Resolution of Consent in Support of Tohono O'odham Utility Authority's Application to Rural Utilities Service for the Rural eConnectivity Program)

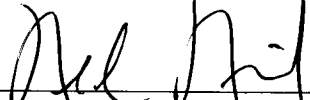
Page 4 of 4

APPROVED

on the 18 day of February, 2022

DISAPPROVED

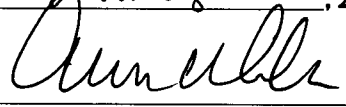
at 4:42 o'clock, P.m.



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

Returned to the Legislative Secretary on the 18 day of

February, 2022, at 4:46 o'clock, P.m.



Evonne Wilson, Legislative Secretary

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

ACTION: RESOLUTION OF CONSENT IN SUPPORT OF TOHONO O'ODHAM UTILITY AUTHORITY'S APPLICATION TO RURAL UTILITIES SERVICE FOR THE RURAL ECONNECTIVITY PROGRAM**MOVED: COUNCILWOMAN JANICE FELIX****SECOND: VICE CHAIRWOMAN ALBERTA RAY****DATE: FEBRUARY 15, 2022**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 245.6	1. MARY LOPEZ (Ann M. Garcia)	122.8	X			
	2. LUCINDA ALLEN (Francis Homewytewa)	122.8	X			
SELLS 556.5	1. ARTHUR WILSON ()	278.25	X			X
	2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25	X			
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza)	95.25	X			
	2. DELISA M. RAMON (Sharon A. Francisco)	95.25	X			
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	121.3	X			
	2. JANICE FELIX (Adam P. Andrews)	121.3	X			
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eiler)	121.9	X			
	2. ROGER MANUEL (Christina Andrews)	121.9	X			
PISINEMO 232.7	1. MARIETTA MARTIN ()	116.35	X			
	2. EDWARD D. MANUEL (Monica Morgan)	116.35	X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ ()	108.3	X			X
	2. SANDRA D. ORTEGA (<i>Absent</i>) (Delma M. Garcia) (<i>Present</i>)	108.3	X			
GU VO 270.7	1. GRACE MANUEL ()	135.35	X			
	2. CYNTHIA SAAVEDRA (Dallas Lewis)	135.35	X			
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN ()	139.25	X			
	2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25	X			
CHUKUT KUK 351.6	1. MARLAKAY HENRY (Billman Lopez)	175.8	X			
	2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8	X			
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone)	194.45	X			
	2. LEANDER MASE (Francine Schooling)	194.45	X			
TOTAL		3,218.0	3,218.0	-0-	-0-	[02]