

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Consenting to and Acknowledging Tohono O'odham Utility Authority  
Applications for Grant Funding in Pursuit of Solar and Storage Deployment)**

**RESOLUTION NO. 24-185**

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"), 24 Tohono O'odham Code Chapter 1, was adopted by  
13 Resolution No. 91-175 (TOUA was formerly known as the "Papago Tribal Utility  
14 Authority" and was originally established pursuant to Resolution No. 08-70); and

15 **WHEREAS,** the stated purposes of the TOUA Management Board include, to "plan for, provide  
16 and furnish utility services to all areas within the Tohono O'odham Nation, where  
17 such services are determined to be feasible and economic," "promote the use of  
18 utility services where available in order to improve the health and welfare of the  
19 residents of the Tohono O'odham Nation," and to "acquire, construct, operate,  
20 maintain, promote and expand utility systems . . . within the Tohono O'odham  
21 Nation." (24 Tohono O'odham Code Chapter 1, Section 4.A.1, 2, and 3); and

22 **WHEREAS,** Section 5 of TOUA's Plan grants TOUA "the franchise, right, permit, easement and  
23 privilege of placing, erecting, constructing, repairing, removing, replacing,  
24 maintaining, using and operating public utility systems, lines and facilities . . .  
25 together with the right of ingress and egress . . . on, over, under and across  
26 unallotted lands of the Tohono O'odham Nation . . ." subject to the provisions of  
27 TOUA's Second Restated Plan of Operation, 24 Tohono O'odham Code Chapter 1;  
28 and

29 **WHEREAS,** among other powers, the TOUA Plan of Operation provides that TOUA's  
30 Management Board shall "exercise full power and shall be responsible for the  
31 custody and management, operation, inventory and maintenance of all utilities  
32 and facilities; the planning, construction and operating of all new facilities; and

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**Page 2 of 4**

1                   **for the taking of any and all usual, necessary and convenient actions incidental**  
2                   **thereto," (24 Tohono O'odham Code Chapter 1, Section 7.A.3); and**

3 **WHEREAS, TOUA seeks to develop and pursue funding for two 5MW Solar Arrays (total**  
4                   **10MWac) and two 5MW storage/10MWh (total 20 MWh) on the Nation's trust lands**  
5                   **(collectively, the "Project"); and**

6 **WHEREAS, the Nation will benefit from the Project; and**

7 **WHEREAS, International Center for Appropriate and Sustainable Technology ("ICAST")**  
8                   **represents that it is "a 501(c)(3) nonprofit social enterprise with a history of**  
9                   **designing and launching programs to meaningfully impact communities and**  
10                  **provide sustainable resource solutions"; and**

11 **WHEREAS, TOUA has determined that it is in TOUA's and the Nation's best interest to engage**  
12                  **ICAST to serve as the developer for the Project; and**

13 **WHEREAS, grant proposals submitted for this Project will provide funding for a solar and**  
14                  **storage project that will decrease the Nation's energy costs and increase revenue**  
15                  **income related to the Project; and**

16 **WHEREAS, the Legislative Council desires to designate TOUA, and its officers and designees,**  
17                  **including the TOUA general manager and Project Developer ICAST, to be the**  
18                  **Nation's representatives and act on behalf of the Nation for all matters related to**  
19                  **developing the Project, including seeking federal grant and other funding and**  
20                  **financing opportunities available to tribes and tribal enterprises.**

21 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council designates**  
22                  **TOUA, and its officers and designees, including the TOUA general manager and**  
23                  **Project Developer ICAST, to be the Nation's representatives and authorizes TOUA**  
24                  **to act without further authorization on behalf of the Nation to apply for any and**  
25                  **all future federal grant funding and other funding and financing opportunities**  
26                  **for which the Nation is eligible and which will fund or directly support the Project,**  
27                  **including but not limited to the following potential opportunities:**

- 28                  **1. Clean Energy Technology Deployment on Tribal Lands - 2024 (DE-FOA-**  
29                  **0003298);**
- 30                  **2. Local Government Energy Program (DE-FOA-0003229): Communities**  
31                  **Sparking Investment in Transformative Energy (C-SITE);**
- 32                  **3. Environmental Justice Government-to-Government Program (EJG2G);**
- 33                  **4. Funding Opportunity Announcement for Underserved and Indigenous**  
34                  **Community Microgrids No. DE-FOA-0002933;**

**RESOLUTION NO. 24-185**

**(Consenting to and Acknowledging Tohono O'odham Utility Authority Applications for Grant Funding in Pursuit of Solar and Storage Deployment)**

**Page 3 of 4**

5. **Grid Resilience and Innovation Partnerships (GRIP);**
6. **Source Reduction Assistance Grants;**
7. **Pollution Prevention Grant Program (P2);**
8. **Greenhouse Gas Reduction Fund;**
9. **Climate Pollution Reduction Grants;**
10. **Interconnection Innovation e-Xchange Partnership (i2X); and**
11. **Any other funding opportunities that can help reduce the cost of the Project and thus benefit the Nation and its members.**

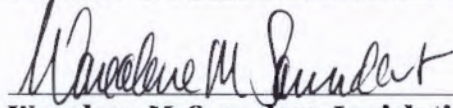
**BE IT FURTHER RESOLVED** that the Nation affirms that the Project is on the Nation's tribal trust lands.

**BE IT FURTHER RESOLVED** that the Legislative Council authorizes the Tohono O'odham Utility Authority general manager to be the Nation's "business contact" for the Project and to act on behalf of the Nation in accordance with the terms of this Resolution.

**BE IT FINALLY RESOLVED** that the Legislative Council supports TOUA's selection of the International Center for Appropriate and Sustainable Technology (ICAST) to serve as the Project Developer for the Project and ICAST is authorized to work to secure funding at TOUA's direction and on behalf of the Tohono O'odham Nation and TOUA.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 25<sup>TH</sup> day of JUNE 2024 at a meeting at which a quorum was present with a vote of 3,263.3 FOR; -0- AGAINST; -0- NOT VOTING; and [04] 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).

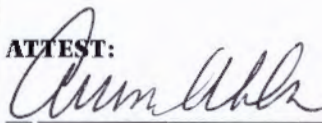
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Wavalene M. Saunders, Legislative Chairwoman

26 day of June, 2024

ATTEST:



Evonne Wilson, Legislative Secretary

25 day of June, 2024

**RESOLUTION NO. 24-185**

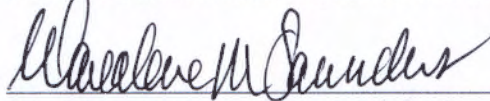
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**Page 4 of 4**

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 26 day of June, 2024 at 12:14 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



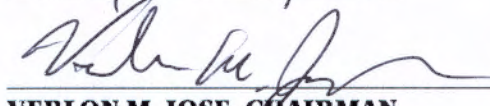
Wavalene M. Saunders, Legislative Chairwoman

APPROVED

on the 27 day of June, 2024

DISAPPROVED

at 5:54 o'clock, P.m.



EXCEEDED 48 HOURS

VERLON M. JOSE, CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 27 day of

June, 2024, at 6:03 o'clock, P.m.



Evonne Wilson, Legislative Secretary

**ACTION: CONSENTING TO AND ACKNOWLEDGING TOHONO O'ODHAM UTILITY AUTHORITY APPLICATIONS FOR GRANT FUNDING IN PURSUIT OF SOLAR AND STORAGE DEPLOYMENT**

**MOVED: COUNCILWOMAN JANICE FELIX**

**SECOND: COUNCILWOMAN VICTORIA HOBBS**

**DATE: JUNE 25, 2024**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 394.2	1. LEANDER MASE (Francine Schooling) 2. JESSE NAVARRO ( <i>Absent</i> ) (Alberta J. Ray) ( <i>Present</i> )	197.1 197.1	X X			X
CHUKUT KUK 354.7	1. VIVIAN JUAN-SAUNDERS (Cornelius Antone) 2. MARLAKAY HENRY ( )	177.35 177.35	X X			
GU ACHI 282.7	1. VICTORIA HOBBS (Tonya L. Joaquin) 2. JEROME F. JOAQUIN ( )	141.35 141.35	X X			
GU VO 276.0	1. DALLAS LEWIS ( ) 2. LESLIE LUNA ( )	138.0 138.0	X X			
HICKIWAN 220.5	1. DELMA M. GARCIA ( ) 2. LOUIS R. LOPEZ (Loretta A. Ortega)	110.25 110.25	X X			X
PISINEMO 236.2	1. EDWARD D. MANUEL (Monica Morgan) 2. PAMELA J. BENAVIDEZ ( <i>Absent</i> ) (Nora J. Ruelas) ( <i>Present</i> )	118.1 118.1	X X			X
SAN LUCY 257.6	1. ROGER MANUEL ( <i>Absent</i> ) (Christina Andrews) ( <i>Present</i> ) 2. GLORIA M. RAMIREZ ( <i>Absent</i> ) (Lorraine M. Eiler) ( <i>Present</i> )	128.8 128.8	X X			
SAN XAVIER 244.5	1. JANICE FELIX ( ) 2. DANIEL L.A. PRESTON III ( )	122.25 122.25	X X			
SCHUK TOAK 191.8	1. DELISA M. RAMON (Sharon A. Francisco) 2. THEORIA CAMPILLO (Rebecca Ann Valentine)	95.9 95.9	X X			
SELLS 558.0	1. EVELYN JUAN MANUEL (Arvada Liston) 2. JANET B. ELEANDO ( )	279.0 279.0	X X			
SIF OIDA 247.1	1. LUCINDA ALLEN (Francis Homewytewa) 2. WAVALENE M. SAUNDERS (Mary Lopez)	123.55 123.55	X X			X
	<b>TOTAL</b>	<b>3,263.30</b>	<b>3,263.3</b>	<b>-0-</b>	<b>-0-</b>	<b>[04]</b>