

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the Bureau of Indian Affairs' Land Mobile Radio Division Proposed
Upgrade and Expansion to its Radio Tower System)**

RESOLUTION NO. 18-021

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council**
2 **with the authority to "administer land and other public property, and by law,**
3 **ordinance or resolution . . . to manage, protect, preserve and regulate the use of**
4 **the property, wildlife, land, air and natural resources (including surface and**
5 **ground waters) of the Tohono O'odham Nation" (Constitution, Article VI, Section**
6 **1(i)(2)); and**

7 **WHEREAS, on August 21, 1961, the National Science Foundation (the "Foundation") entered**
8 **into an Interagency Agreement (the "Agreement") between the Foundation and**
9 **the Bureau of Indian Affairs, Papago Agency (the "Agency") to allow the Agency to**
10 **construct and maintain an automatic FM Ultra High Frequency Repeater Station**
11 **(the "Station") which includes the receiving and transmitting units, antennas,**
12 **and other appurtenances to support the use of the Station's tower site; and**

13 **WHEREAS, the term of the Agreement is indeterminate as long as the premises are used for**
14 **the construction and maintenance of the Station; and**

15 **WHEREAS, the Bureau of Indian Affairs' Land Mobile Radio Division notified the Schuk**
16 **Toak District (the "District"), and the Nation, of its plans to perform upgrades**
17 **and expansion to the Station's tower site located on Kitt Peak (the "Project"); and**

18 **WHEREAS, the proposed Project is the result of a structural analysis of the concrete**
19 **foundation and the tower, described as a 3-leg, 50 foot tall, self-support lattice**
20 **tower, prepared for the Bureau of Indian Affairs (the "BIA") by Clear Blue**
21 **Services, a consultant for BIA, whereby their analysis indicated the tower and**
22 **the foundation did not meet the requirements pertaining to ANS/TIA-222-F**
23 **standard and the 2006 International Building Code requirements; and**

24 **WHEREAS, the BIA submitted a Statement of Work describing the Project that includes**
25 **replacement of the tower, a five foot expansion of the existing shelter,**
26 **grounding, Telco, electrical and installation, that will be built in accordance**
27 **with applicable codes and standard practices, including compliance with the**
28 **Nation's Tribal Employment Rights Ordinance; and**

29 **WHEREAS, the Project and the tower itself provides benefits and support to the Nation and**
30 **its members for non-commercial purposes; and**

31 **WHEREAS, the District supports the Project by Resolution No. ST-12-09-17-116; and**

32 **WHEREAS, the Domestic Affairs and Agricultural and Natural Resources Committees**
33 **reviewed the Project and recommend approval.**

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1 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council approves the
2 **Project as submitted by the BIA for upgrades and expansion to BIA's Station**
3 **tower site and affirms that the Project and tower provides benefits and support**
4 **to the Nation and its members for non-commercial purposes.**

5 **BE IT FINALLY RESOLVED** that the Tohono O'odham Legislative Council authorizes the Nation's
6 **chairperson, or his designee, to execute any documents reasonably necessary to**
7 **implement this resolution.**

8 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11th**
9 **day of JANUARY, 2018 at a meeting at which a quorum was present with a vote of 3,084.6 FOR;-0-**
10 **AGAINST; -0- NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by**
11 **Article VI, Section 1(i)(2) of the Constitution of the Tohono O'odham Nation, adopted by the**
12 **Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
13 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of**
14 **June 18, 1934 (48 Stat.984).**

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17 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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21 **Timothy Joaquin, Legislative Chairman**

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23 12 day of January, 2018

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27 **ATTEST:**

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30 **Evonne Wilson, Legislative Secretary**

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32 12 day of January, 2018

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34 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
35 **O'odham Nation on the 12 day of January, 2018 at 2:13 o'clock, P .m.,**
36 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
37 **effective upon his approval or upon his failure to either approve or disapprove it within 48**
38 **hours of submittal.**

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41 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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44 **Timothy Joaquin, Legislative Chairman**

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APPROVED

on the 16 day of January, 2018

DISAPPROVED

at 1:47 o'clock, P.m.


EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 16 day of

January, 2018, at 4:24 o'clock, P.m.


Evonne Wilson, Legislative Secretary

ACTION: APPROVING THE BUREAU OF INDIAN AFFAIRS' LAND MOBILE RADIO DIVISION PROPOSED UPGRADE AND EXPANSION TO ITS RADIO TOWER SYSTEM

Moved: VICE CHAIRMAN QUINTIN C. LOPEZ

SECOND: COUNCILWOMAN LUCINDA ALLEN

DATE: JANUARY 11, 2018

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 235.8	1. MARY LOPEZ ()	117.9	X			
	2. LUCINDA ALLEN (Yolonda Garcia)	117.9	X			
SELLS 527.2	1. ARTHUR WILSON ()	263.6	X			
	2. ADRIANNE TILLER (Idaleen Reyes)	263.6	X			
SCHUK TOAK 185.7	1. ANTHONY J. FRANCISCO JR. (Teresa F. Donahue)	92.85	X			X
	2. QUINTIN C. LOPEZ (Agnes V. Joaquin)	92.85	X			
SAN XAVIER 232.3	1. DANIEL L.A. PRESTON III (Felicia Nunez)	116.15	X			
	2. JANICE FELIX ()	116.15	X			
SAN LUCY 231.1	1. JANA MONTANA (Diana Manuel)	115.55	X			
	2. GLORIA RAMIREZ (Lorraine Eiler)	115.55	X			
PISINEMO 225.9	1. CHESTER ANTONE (<i>Absent</i>) (Caroline D. Garcia) (<i>Present</i>)	112.95	X			X
	2. MONICA K. MORGAN ()	112.95	X			
HICKIWAN 209.0	1. LOUIS R. LOPEZ (Shirley Molina)	104.5	X			X
	2. SANDRA D. ORTEGA ()	104.5	X			
GU VO 256.9	1. GRACE MANUEL ()	128.45	X			X
	2. DALLAS LEWIS (Nacho Flores)	128.45	X			
GU ACHI 270.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	135.45	X			
	2. LORETTA LEWIS (Victoria Hobbs)	135.45	X			
CHUKUT KUK 337.7	1. BILLMAN LOPEZ (Patricia Vicenti)	168.85	X			
	2. VIVIAN JUAN-SAUNDERS (Juanita Homer)	168.85	X			
BABOQUIVARI 372.1	1. FRANCIS MIGUEL (Roberta E. Harvey)	186.05	X			
	2. LEANDER MASE ()	186.05	X			X
TOTAL		3,084.6	3,084.6	-0-	-0-	[05]