

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approval of a Memorandum of Understanding between the Tohono O'odham Nation and the National Weather Service, and Authorizing the Chairman to Submit an Application for a Federal Communications Commission Radio Frequency License)

RESOLUTION NO. 02-108

1 **WHEREAS, the Tohono O'odham Nation ("Nation") is devoted to the goals of protecting the**
2 **environment and safeguarding the health and well being of the Nation's members;**
3 **and**

4 **WHEREAS, Article VI(i)(2) of the Tohono O'odham Constitution provides authority to the**
5 **Legislative Council to manage, protect, preserve and regulate the surface and ground**
6 **waters of the Nation; and**

7 **WHEREAS, the Water Resources Study Program (WRSP) is responsible for conducting a water**
8 **resources inventory on the Nation's lands. The measurement of rainfall and stream**
9 **flow is important for determining the groundwater recharge potential for the Nation,**
10 **and is therefore an important part of the ongoing water resources inventory.**
11 **Included in its inventory is the precipitation and surface water input to the**
12 **hydrologic system. The data is collected by a series of rain and stream gages; and**

13 **WHEREAS, radio telemetry would allow the WRSP to make more efficient use of human and**
14 **transportation resources in operating and maintaining a rain and stream flow**
15 **monitoring network, because it would facilitate the transmission of real time**
16 **hydrologic data from the gages to the WRSP office where it is analyzed; and**

17 **WHEREAS, a radio telemetry system requires a dedicated radio frequency, and a radio frequency**
18 **license must be obtained from the Federal Communications Commission (FCC) in**
19 **order to operate on a dedicated radio frequency; and**

20 **WHEREAS, the communities of Gu Vo, San Simon, Cowlic, Vamori, and Queen's Well are prone**
21 **to flooding and the entire Nation would benefit from an early flood warning system;**
22 **and**

23 **WHEREAS, a joint program for an automated monitoring and storm and flood warning network**
24 **is described in the attached Memorandum of Understanding (MOU) between the**
25 **Nation and the National Weather Service (NWS), a division of the National Oceanic and**
26 **Atmospheric Administration (NOAA) within the U.S. Department of Commerce (DOC);**
27 **and**

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1 **WHEREAS, with data provided by the radio telemetry system, NWS will be able to verify rainfall**
2 **intensities measured by radar with data from rain gages, to reduce false**
3 **interpretations from misleading radar signals, and to obtain data about stream**
4 **heights that is not currently available. As a result, NWS will be able to improve the**
5 **quality of storm and flood warnings that it issues to the Nation; and**

6 **WHEREAS, the Nation's Department of Public Safety (DPS) is charged with the duty of providing**
7 **flood warnings, where possible, to tribal members. With the radio telemetry system,**
8 **DPS will be more effective because it will be able to provide more timely storm and**
9 **flood warnings to communities downstream from the gages; and**

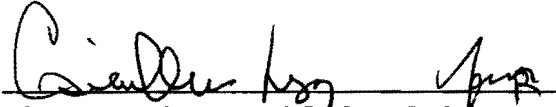
10 **WHEREAS, the MOU does not require any financial transfer between the Nation and the NWS; and**

11 **WHEREAS, the Water Resources Committee has reviewed the MOU and recommends approval**
12 **by the Legislative Council.**

13 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
14 **MOU between the Nation and the National Weather Service substantially in the form**
15 **attached hereto and authorizes the Chairman of the Nation to execute it.**

16 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH Day**
17 **of MARCH, 2002 at a meeting at which a quorum was present with a vote of 2,229.2 FOR; -0-**
18 **AGAINST; -0- NOT VOTING; and 188.3 [07] ABSENT, pursuant to the powers vested in the Council by**
19 **Section 1 (f) and (i)(2) of Article VI and Article XVII of the Constitution of the Tohono O'Odham**
20 **Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting**
21 **Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16**
22 **of the Act of June 18, 1934 (48 Stat. 984).**

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24 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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28 **Rita A. Martinez, Legislative Chairwoman**

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30 12th day of March, 2002

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32 **ATTEST:**

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35 **Julianna Saraficio, Acting Legislative Secretary**

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37 08 day of March, 2002.

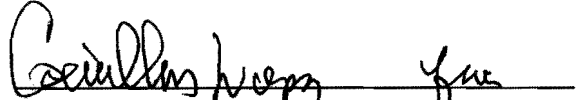
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1 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham**
2 **Nation on the 12th day of March, 20 02 at 8:49 o'clock, A.M.,**
3 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
4 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
5 **submittal.**

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7 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**


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11 **Rita A. Martinez, Legislative Chairwoman**

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16 **APPROVED**

on the 12th day of March, 20 02

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18 **DISAPPROVED**

at 1:54 o'clock, P.M.

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22 **EDWARD D. MANUEL, Chairman**
23 **TOHONO O'ODHAM NATION**

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28 **Returned to the Legislative Secretary on the 12th day of**
29 **March, 20 02, at 4:04 o'clock, P.M.**

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33 **Julianna Saraficio, Acting Legislative Secretary**

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ACTION: APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOHONO O'ODHAM NATION AND THE NATIONAL WEATHER SERVICE, AND AUTHORIZING THE CHAIRMAN TO SUBMIT AN APPLICATION FOR A FEDERAL COMMUNICATIONS COMMISSION RADIO FREQUENCY LICENSE

MOVED: COUNCILMAN DAVID GARCIA

SECOND: COUNCILMAN ISIDRO LOPEZ

DATE: MARCH 08, 2002

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 317.7	1. FRANCES MIGUEL ()	158.85	X			X
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			
CHUKUT KUK 248.1	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			
	2. DAVID GARCIA (Mary Audrey Juan)	124.05	X			
GU ACHI 230.7	1. CAMILLUS LOPEZ ()	115.35	X			
	2. ALEX J. RAMON ** (Jerome Joaquin)	115.35	X			
GU VO 188.3	1. FERN SALCIDO ()	94.15				X
	2. EMILIO LEWIS (Michael Flores)	94.15				X
HICKIWAN 167.3	1. SHIRLEY MOLINA ()	83.65	X			
	2. SANDRA ORTEGA ()	83.65	X			
PISINEMO 174.7	1. BARBARA SALVICIO (Alex Antone)	87.35	X			
	2. PATRICIA CRUZ (Johnson Jose)	87.35	X			X
SAN LUCY 160.7	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35	X			
	2. GLORIA RAMIREZ ()	80.35	X			X
SAN XAVIER 184.7	1. TONY BURRELL ()	92.35	X			X
	2. DENNIS RAMON ()	92.35	X			
SCHUK TOAK 144.5	1. MARY FLORES ()	72.25	X			
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25	X			
SELLS 416.1	1. DENNIS E. JOSE ()	208.05	X			
	2. EVELYN JUAN ()	208.05	X			
SIF OIDAK 184.7	1. ISIDRO LOPEZ ()	92.35	X			
	2. RITA MARTINEZ (Nicholas Jose)	92.35	X			X
TOTAL		2,417.5	2,229.2	-0-	-0-	188.3 [07]

****PASSED VOTES**