

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing the Submission of Federal Communication Commission Form 340
Applications for Construction Permit for Reserved Channel, Non-commercial Educational
Broadcast Station for Cockleburr, San Lucy, and San Pedro, Communities of License)

RESOLUTION NO. 07-678

1 **WHEREAS, the Federal Communication Commission (FCC) announced through Public Notice DA**
2 **07-1613, released on April 4, 2007, the opening of a filing window for accepting**
3 **applications for new non-commercial educational radio stations on October 12, 2007**
4 **and closing on October 19, 2007; and**

5 **WHEREAS, under its current authorization the Tohono O'odham Nation (Nation), a sovereign**
6 **native government, is licensed to operate and broadcast on channel 220, KOHN 91.9**
7 **FM, which does not provide complete coverage to all established communities of the**
8 **Nation; and**

9 **WHEREAS, it is in the best interest of the Nation to seek all feasible means to provide emergency**
10 **communications to its resident members within its jurisdiction; and**

11 **WHEREAS, KOHN, along with engaged engineers, RFEngineers, Inc. (Engineers), have prepared**
12 **the attached applications for submission to the FCC:**

- 13 **1. to construct a new radio station (Cockleburr Station) to serve the northern portion**
14 **of the Nation on channel 214 with Cockleburr, a community within the Sif Oidak**
15 **District of the Tohono O'odham Nation as the designated community of license,**
16 **and**
- 17 **2. to construct a new radio station (San Lucy Station) to serve the San Lucy District of**
18 **the Nation on channel 214 with San Lucy, a community within the San Lucy District**
19 **of the Tohono O'odham Nation as the designated community of license, and**
- 20 **3. to construct a new radio station (San Pedro Station) to serve the eastern portion of**
21 **the Nation on channel 219 with San Pedro, a community within the Schuk Toak**
22 **District of the Tohono O'odham Nation as the designated community of license;**
23 **and**

24 **WHEREAS, the applications as prepared by KOHN and the Engineers addresses and complies with**
25 **the FCC requirements for non-commercial educational radio stations; and**

26 **WHEREAS, the Nation believes good cause exists to request a waiver of the FCC's main studio**
27 **requirements and proposes to operate the new stations as a satellite of its existing**
28 **licensed station KOHN FM; and**

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1 **WHEREAS, the Nation asserts that the designated communities are communities of**
2 **predominately Tohono O'odham Nation members, located entirely within the**
3 **jurisdictional boundaries of the Nation, and sharing a common language and culture.**
4 **Furthermore, the Nation pledges to provide locally produced programming to the new**
5 **station, to maintain a local telephone number or a toll free number to enable**
6 **accessible communications for members of each community as well as other**
7 **communities within the proposed primary coverage contour, to continue to provide**
8 **coverage of local events, and to continue to broadcast public service announcements**
9 **and community issues in the O'odham language; and**

10 **WHEREAS, the applications as prepared, proposes:**

11 **(1) the construction of a 60 meter tower near the Cockleburr Community for which the**
12 **Sif Oidak District has given preliminary support, subject to the grant of a**
13 **construction permit by FCC and the execution of a memorandum of agreement**
14 **between the District and Nation regarding the use of lands required for**
15 **construction,**

16 **(2) the construction of a 33.5 meter tower on the lands of San Lucy Community for**
17 **which the San Lucy District has given preliminary support subject to the grant of**
18 **a construction permit by FCC and the execution of a memorandum of agreement**
19 **between the District and the Nation regarding the use of lands required for**
20 **construction, and**

21 **(3) the construction of a 60 meter tower 4.5 km south of the San Pedro Community for**
22 **which the community and the Schuk Toak District has given preliminary support,**
23 **subject to the grant of a construction permit by FCC and the execution of a**
24 **memorandum of agreement between the District and the Nation regarding the use**
25 **of lands required for construction; and**

26 **WHEREAS, subject to a grant of a construction permit by FCC for each new station, KOHN shall**
27 **submit for final approval by this council all necessary agreements, contracts, funding**
28 **proposals and other such actions as may be required.**

29 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby approves**
30 **and authorizes for submission to the FCC the attached FCC Form 340 Applications for**

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1 **Construction Permit for Reserved Channel, Non-commercial Educational Broadcast**
2 **Station for:**

- 3 **(1) channel 214 with Cockleburr, a community within the Sif Oidak District of the**
4 **Tohono O'odham Nation, as the designated community of license,**
5 **(2) channel 214 with San Lucy, a community within the San Lucy District of the Tohono**
6 **O'odham Nation as the designated community of license, and**
7 **(3) channel 219 with San Pedro, a community within the Schuk Toak District of the**
8 **Tohono O'odham Nation as the designated community of license.**

9 **BE IT FURTHER RESOLVED** subject to a grant of a construction permit by FCC for each new
10 **station, KOHN shall submit for final approval by this council all necessary agreements,**
11 **contracts, funding proposals and other such actions as may be required.**

12 **BE IT FINALLY RESOLVED** that the Tohono O'odham Nation's officials to-wit the Chairman and any
13 **designated official are hereby authorized to execute any document(s) necessary for**
14 **submission of the attached FCC Form 340, Application for Construction Permit for**
15 **Reserved Channel, Non-commercial Educational Broadcast Station.**

16 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12TH. Day**
17 **of OCTOBER, 2007 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0-**
18 **AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
19 **Section 1 (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**
20 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
21 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
22 **Stat. 984).**

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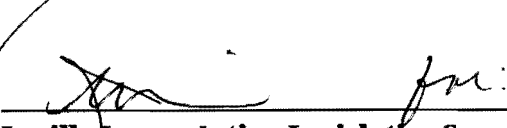
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Verlon M. Jose, Legislative Chairman

16 day of October, 2007

ATTEST:



Lucille Lopez, Acting Legislative Secretary

15th day of October, 2007.


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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 16 day of October, 2007 at 4:49 o'clock, P.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 **Verlon M. Jose, Legislative Chairman**

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15 **APPROVED**

on the 17 day of October, 2007

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17 **DISAPPROVED**

at 1:55 o'clock, P.M.

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21 **NED MORRIS, JR., CHAIRMAN**
22 **TOHONO O'ODHAM NATION**

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26 **Returned to the Legislative Secretary on the 17 day of**

27 October, 2007, at 2:52 o'clock, P.M.

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32 **Lucille Lopez, Acting Legislative Secretary**

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ACTION: AUTHORIZING THE SUBMISSION OF FEDERAL COMMUNICATION COMMISSION FORM 340 APPLICATIONS FOR CONSTRUCTION PERMIT FOR RESERVED CHANNEL, NON-COMMERCIAL EDUCATIONAL BROADCAST STATION FOR COCKLEBURR, SAN LUCY, AND SAN PEDRO, COMMUNITIES OF LICENSE

MOVED: COUNCILWOMAN FRANCES CONDE

SECOND: COUNCILWOMAN WAVALENE ROMERO

DATE: OCTOBER 12, 2007

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			X
	2. FRANCES G. ANTONE ()	158.45	X			
CHUKUT KUK 264.8	1. ETHEL GARCIA ()	132.40	X			
	2. VERLON M. JOSE ()	132.40	X			
GU ACHI 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ()	113.95	X			
GU VO 199.2	1. GRACE MANUEL ()	99.60	X			
	2. MICHAEL FLORES ()	99.60	X			X
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00	X			
	2. SANDRA ORTEGA ()	86.00	X			
PISINEMO 182.4	1. CHESTER ANTONE ()	91.20	X			
	2. GERALD FAYUANT ()	91.20	X			
SAN LUCY 181.1	1. LORRAINE EILER ()	90.55	X			
	2. GLORIA RAMIREZ ()	90.55	X			
SAN XAVIER 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			
SCHUK TOAK 154.6	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
SELLS 444.7	1. KIMBERLY LISTO ()	222.35	X			X
	2. EVELYN B. JUAN MANUEL ()	222.35	X			
SIF OIDAK 194.4	1. WAVALENE ROMERO ()	97.20	X			
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	2,534.5	-0-	-0-	[03]

****PASSED VOTES**