

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Management Agreement Between the Tohono O'odham Nation,
Gu Achi District, and the Tohono O'odham Utility Authority for Jewek Mountain)

RESOLUTION NO. 08-586

1 **WHEREAS, the Tohono O'odham Nation ("Nation") has granted to the Tohono O'odham Utility**
2 **Authority ("TOUA") rights to utilize the top of Jewek Mountain (also known as Quijotoa**
3 **Peak) in Gu Achi District for various purposes, including an exclusive certificate of**
4 **convenience and necessity to construct, operate, and maintain cellular radio facilities**
5 **and thereby to provide cellular telephone services to the Nation granted by Legislative**
6 **Council Resolution No. 92-012, and the right to provide, alone or in conjunction with**
7 **others, a paging service and related facilities granted by Legislative Council**
8 **Resolution No. 96-549; and**

9 **WHEREAS, over the years other users have installed telecommunications equipment on Jewek**
10 **Mountain, including the Tohono O'odham Police Department, the United States**
11 **Border Patrol, the United States Customs Office, the United States Federal Bureau of**
12 **Investigation, the United States Indian Health Service, the Arizona Department of**
13 **Public Safety, the Alltel Communications cellular company, and Commnet Wireless;**
14 **and**

15 **WHEREAS, the Nation has constructed a transmission tower on Jewek Mountain for use by the**
16 **Nation's radio station, KOHN-FM, using federal grant funds, and intends that the**
17 **telecommunications equipment of all users of Jewek Mountain be centralized on the**
18 **Nation's transmission tower and in an associated equipment building constructed by**
19 **TOUA, and intends that commercial users pay a commercial fee for use of these**
20 **facilities, that governmental users other than the Nation's government pay a reduced**
21 **fee, and that the Nation's governmental users be allowed use of the facilities at a**
22 **further reduced fee sufficient to pay for maintenance and administration only; and**

23 **WHEREAS, the Nation, Gu Achi District (the "District") and TOUA have negotiated a Management**
24 **Agreement that allows and directs TOUA to manage the telecommunications facilities**
25 **on the top of Jewek Mountain on behalf of the Nation and the District, and allows the**
26 **Nation and the District to obtain a stream of revenue from TOUA's leasing of space on**
27 **the transmission tower and the associated equipment building.**

28 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council:**

- 29 **1. Approves the Management Agreement Between the Tohono O'odham Nation, Gu**
30 **Achi District, and the Tohono O'odham Utility Authority substantially in the form**

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- 1 attached hereto, provided that other users of the transmitter tower do not
2 interfere with KOHN-FM radio station's legally authorized transmittal use of the
3 tower.
4 2. Authorizes the Chairman of the Nation or his designated official to execute the
5 Agreement.
6 3. Grants to TOUA the authority, subject to the Nation's and the District's oversight,
7 supervision and review as set forth in the Agreement, to manage the
8 telecommunications facilities now or in the future located on the top of Jewek
9 Mountain on behalf of the Nation and the District, including the authority and
10 responsibility to maintain the road which leads to the top of the mountain and
11 to dismantle and remove outdated equipment or structures.

12 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 24TH. Day
13 of SEPTEMBER, 2008 at a meeting at which a quorum was present with a vote of 2,089.8 FOR; -0-
14 AGAINST; 444.7 NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by
15 Section 1 (1)(1) & (2) of Article VI of the Constitution of the Tohono O'odham Nation, adopted by the
16 Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
17 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
18 18, 1934 (48 Stat. 984).

19
20 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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23 
24 Verlon M. Jose, Legislative Chairman

25
26 29th day of Sept, 2008

27
28 ATTEST:

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31 
32 Lucille Lopez, Acting Legislative Secretary

33
34 24 day of September, 2008.

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36 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham
37 Nation on the 29th day of Sept, 2008 at 12:25 o'clock, P.M.,
38 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
39 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
40 submittal.
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TOHONO O'ODHAM LEGISLATIVE COUNCIL

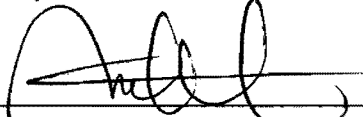

Verion M. Jose, Legislative Chairman

APPROVED

on the 30 day of September, 2008

DISAPPROVED

at 9:25 o'clock, A.M.


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

Returned to the Legislative Secretary on the 30 day of

September, 2008, at 10:55 o'clock, A.M.


Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING A MANAGEMENT AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION, GU ACHI DISTRICT, AND THE TOHONO O'ODHAM UTILITY AUTHORITY FOR JEWEL MOUNTAIN

MOVED: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILMAN TIMOTHY JOAQUIN

DATE: SEPTEMBER 24, 2008

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (Vernon Smith)	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			X
GU VO 199.2	1. GRACE MANUEL ()	99.60	X			
	2. RAYMOND VICTOR ()	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 (Tony Murrietta)	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			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	
	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	2,089.8	-0-	444.7	[03]

**PASSED VOTES