

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Providing Consent to Arizona Public Service to Conduct a Land Survey to  
Extend Electrical Service to KOHF-LP Radio Tower/Transmitter Site)**

**RESOLUTION NO. 16-394**

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to "administer**  
2 **land and other public property, and by law, ordinance or resolution..."**  
3 **(Constitution of the Tohono O'odham Nation, Article VI, Section 1(i)(l)); and**  
4 **WHEREAS, the Federal Communications Commission ("FCC") announced a scheduled Low**  
5 **Power FM ("LPFM") application filing window in October 2013 to enable**  
6 **communities to apply for noncommercial broadcasting licenses; and**  
7 **WHEREAS, the Tohono O'odham Nation ("Nation") submitted an application for a LPFM**  
8 **license from the FCC that would allow for the provision of radio broadcast**  
9 **coverage to satellite communities currently not covered by the Nation's existing**  
10 **radio stations (Resolution No. 13-343); and**  
11 **WHEREAS, on March 10, 2014, the Nation received notice from the FCC that it approved a**  
12 **construction permit for KOHF-LP 101.1 FM radio tower/transmitter site ("Radio**  
13 **Tower") for broadcast coverage within the Florence Community; and**  
14 **WHEREAS, electrical service is needed for Radio Tower and Arizona Public Service ("APS") is**  
15 **the most viable electrical utility provider; and**  
16 **WHEREAS, in order to provide electrical service to the Radio Tower, APS will need to conduct**  
17 **a land survey and obtain a right-of-way; and**  
18 **WHEREAS, federal regulations governing rights-of-way and surveys on tribal lands provide,**  
19 **"[n]o right-of-way shall be granted over and across any tribal land, nor shall any**  
20 **permission to survey be issued with respect to any such lands, without the prior**  
21 **written consent of the tribe." (25 C.F.R. § 169.3); and**  
22 **WHEREAS, the Nation's written consent is therefore required for APS to conduct a land**  
23 **survey to identify a route to extend electrical service on the Radio Tower; and**  
24 **WHEREAS, the Agricultural and Natural Resources and Cultural Preservation Committees**  
25 **recommend that the Nation provide consent to APS to conduct a land survey to**  
26 **identify a route to extend electrical service to the Radio Tower.**  
27 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council provides**  
28 **consent to APS to conduct a land survey to identify a route to extend electrical**  
29 **service to the KOHF-LP radio tower/transmitter site in the Florence Community.**  
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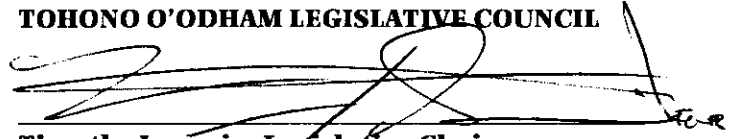
RESOLUTION NO. 16-394

(Providing Consent to Arizona Public Service to Conduct a Land Survey to Extend Electrical Service to KOHF-LP Radio Tower/Transmitter Site)

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 05<sup>TH</sup> day of AUGUST, 2016 at a meeting at which a quorum was present with a vote of 3,021.4 FOR; -0- AGAINST; [01] NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(i)(1) and Article XVI, Section 1 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



Timothy Joaquin, Legislative Chairman

9<sup>TH</sup> day of August, 2016

ATTEST:



Evonne Wilson, Legislative Secretary

9 day of August, 2016

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 9 day of August, 2016 at 2:16 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



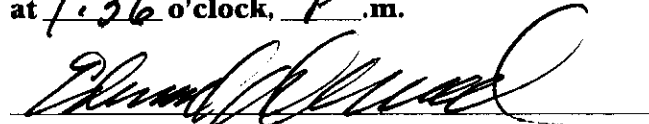
Timothy Joaquin, Legislative Chairman

APPROVED

DISAPPROVED

on the 10 day of August, 2016

at 1:36 o'clock, P.m.



EDWARD D. MANUEL, CHAIRMAN

TOHONO O'ODHAM NATION

**RESOLUTION NO. 16-394**

**(Providing Consent to Arizona Public Service to Conduct a Land Survey to Extend Electrical Service to KOHF-LP Radio Tower/Transmitter Site)**

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1 Returned to the Legislative Secretary on the 10 day of  
2  
3 August, 2016, at 3:12 o'clock, p.m.  
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7 **Evonne Wilson, Legislative Secretary**  
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**ACTION: PROVIDING CONSENT TO ARIZONA PUBLIC SERVICE TO CONDUCT A LAND SURVEY TO EXTEND ELECTRICAL SERVICE TO KOHF-LP RADIO TOWER/TRANSMITTER SITE**

**Moved: COUNCILMAN ARTHUR WILSON**

**SECOND: COUNCILWOMAN SANDRA ORTEGA**

**DATE: AUGUST 05, 2016**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL ( <i>Absent</i> ) (Roberta E. Harvey) ( <i>Present</i> )	183.60	X			
	2. VERNON J. SMITH ( <i>Absent</i> ) (Gloria Zazueta) ( <i>Present</i> )	183.60	X			
CHUKUT KUK 332.1	1. ETHEL GARCIA ( <i>Absent</i> ) (Marlakay K. Henry) ( <i>Present</i> )	166.05	X			
	2. BILLMAN LOPEZ ( <i>Absent</i> ) (Patricia Vicenti) ( <i>Present</i> )	166.05	X			
GUACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50	X			
	2. LORETTA LEWIS ( )	132.50	X			
GU VO 250.6	1. GRACE MANUEL ( <i>Absent</i> ) (Dallas Lewis) ( <i>Present</i> )	125.30	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	125.30	X		X	
HICKIWAN 205.8	1. LOUIS R. LOPEZ (Shirley Molina)	102.90	X			
	2. SANDRA ORTEGA ( )	102.90	X			
PISINEMO 219.9	1. CHESTER ANTONE ( )	109.95	X			
	2. MONICA K. MORGAN ( )	109.95	X			
SAN LUCY 226.5	1. DIANA MANUEL ( )	113.25	X			
	2. JANA MONTANA ( <i>Absent</i> ) (Gloria Ramirez) ( <i>Present</i> )	113.25	X			X
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III ( )	114.3	X			X
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.3	X			
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ( )	90.3	X			
	2. QUINTIN C. LOPEZ ( <i>Absent</i> ) (John Fendenheim) ( <i>Present</i> )	90.3	X			X
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75	X			
	2. BARBARA HAVIER ( )	256.75	X			
SIF OIDAK 231.6	1. LUCINDA ALLEN (Nicholas Jose)	115.80	X			
	2. MARY LOPEZ ( )	115.80	X			
<b>TOTAL</b>		<b>3,021.4</b>	<b>3,021.4</b>	<b>-0-</b>	<b>[01]</b>	<b>[03]</b>