

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Resolution of Consent Acknowledging the Tohono O'odham Utility Authority's
Application for Funding Opportunity Number: NTIA-TBC-TBCPO-2021-200694, the Tribal
Broadband Connectivity Program to Seek Funding for Broadband Infrastructure)

RESOLUTION NO. 21-355

1 **WHEREAS, the Tohono O'odham Nation ("Nation") is a federally recognized Indian tribe,**
2 **organized pursuant to Section 16 of the Indian Reorganization Act of June 18,**
3 **1934 (48 Stat. 984; 25 U.S.C. § 476), which exercises sovereignty over both its**
4 **members, its enterprises, and its lands; and**

5 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with**
6 **the authority to "authorize, charter and regulate public or private corporations**
7 **and associations whether organized for profit, or for non-profit or charitable**
8 **purposes" and "to promote, protect and provide for public health, peace, morals,**
9 **education and general welfare of the Tohono O'odham Nation and its members"**
10 **(Constitution, Article VI, Section 1(e) and Section 1(c)(2)); and**

11 **WHEREAS, the Second Restated Plan of Operation of the Tohono O'odham Utility Authority**
12 **("TOUA Plan of Operation"), 24 Tohono O'odham Code Chapter 1, was adopted by**
13 **Resolution No. 91-175; and**

14 **WHEREAS, the stated purposes of the TOUA Management Board include, among other**
15 **purposes, the purpose to "plan for, provide and furnish utility services to all areas**
16 **within the Tohono O'odham Nation, where such services are determined to be**
17 **feasible and economic," "promote the use of utility services where available in**
18 **order to improve the health and welfare of the residents of the Tohono O'odham**
19 **Nation," and to "acquire, construct, operate, maintain, promote and expand**
20 **utility systems . . . within the Tohono O'odham Nation." (24 Tohono O'odham Code**
21 **Chapter 1, Section 4.A.1, 2, and 3.); and**

22 **WHEREAS, Section 5 of TOUA's Plan of Operation grants TOUA "the franchise, right, permit,**
23 **easement and privilege of placing, erecting, constructing, repairing, removing,**
24 **replacing, maintaining, using and operating public utility systems, lines and**
25 **facilities . . . together with the right of ingress and egress . . . on, over, under and**
26 **across unallotted lands of the Tohono O'odham Nation . . ." subject to the**
27 **provisions of TOUA's Second Restated Plan of Operations; and**

28 **WHEREAS, among other powers, the TOUA Plan of Operation provides that TOUA's**
29 **Management Board shall "exercise full power and shall be responsible for the**
30 **custody and management, operation, inventory and maintenance of all utilities**
31 **and facilities; the planning, construction and operating of all new facilities; and**

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1 for the taking of any and all usual, necessary and convenient action incidental
2 thereto . . .” (24 Tohono O’odham Code Chapter 1, Section 7.A.3); and
3 **WHEREAS,** the National Telecommunications and Information Administration (“NTIA”)
4 published Funding Opportunity Number: NTIA-TBC-TBCPO-2021-200694, the
5 Tribal Broadband Connectivity Program, a new federal funding program that
6 provides “grants to eligible entities to expand access to and adoption of: (i)
7 broadband service on Tribal Land; or (ii) for programs that promote the use of
8 broadband to access remote learning, telework, or telehealth resources during
9 the COVID-19 pandemic”; and
10 **WHEREAS,** NTIA expects to make awards under this program within the following funding
11 ranges: (1) Broadband Infrastructure Deployment Projects and (2) Broadband
12 Adoption and Use Projects; and
13 **WHEREAS,** applications seeking funding for Broadband Infrastructure Deployment Projects
14 must be supported by a tribal resolution of consent; and
15 **WHEREAS,** the consent resolution requirement is intended to promote tribal self-
16 governance by ensuring that tribal governments are aware of and consent to
17 infrastructure development projects within their tribal lands; and
18 **WHEREAS,** TOUA intends to apply for the funding for Broadband Infrastructure Deployment
19 Projects and, thus, a consent resolution is necessary to document for NTIA’s
20 purposes that the Nation is aware of TOUA’s proposal and that the Nation
21 consents to placement of such infrastructure, which will benefit those within the
22 Nation’s lands; and
23 **WHEREAS,** the Commerce Committee reviewed and recommends TOUA’s proposal, which if
24 awarded, will provide funding for a broadband infrastructure deployment
25 project that will benefit those within the Nation’s lands and through its prior
26 adoption of TOUA’s Plan of Operation, the Nation has consented to projects like
27 the projects proposed in TOUA’s proposal for the Tribal Broadband Connectivity
28 Program.
29 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O’odham Legislative Council approves this
30 Resolution of Consent acknowledging that the Tohono O’odham Legislative
31 Council is aware that the Tohono O’odham Utility Authority has submitted an
32 application for Funding Opportunity Number: NTIA-TBC-TBCPO-2021-200694,

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the Tribal Broadband Connectivity Program, which seeks funding for broadband infrastructure to be deployed in a way to benefit those within the Nation's lands.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 15TH day of SEPTEMBER, 2021 at a meeting at which a quorum was present with a vote of 3,218.0 FOR; -0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by, Article VI, Section 1(e) and Section 1(c)(2) 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
17 day of Sept, 2021

ATTEST:


Evonne Wilson, Legislative Secretary
17 day of September, 2021

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 17 day of Sept, 2021 at 9:32 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 20 day of September, 2021
at 1:37 o'clock, P.m.


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

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Returned to the Legislative Secretary on the 20 day of

September, 2021, at 4:24 o'clock, p.m.


Evonne Wilson, Legislative Secretary

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ACTION: APPROVING RESOLUTION OF CONSENT ACKNOWLEDGING THE TOHONO O'ODHAM UTILITY AUTHORITY'S APPLICATION FOR FUNDING OPPORTUNITY NUMBER: NTIA-TBC-TBCPO-2021-200694, THE TRIBAL BROADBAND CONNECTIVITY PROGRAM TO SEEK FUNDING FOR BROADBAND INFRASTRUCTURE

Moved: COUNCILMAN DANIEL L.A. PRESTON III

SECOND: COUNCILWOMAN JANICE FELIX

DATE: SEPTEMBER 15, 2021

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDA 245.6	1. MARY LOPEZ (Ann M. Garcia)	122.8	X			
	2. LUCINDA ALLEN (Francis Homewytewa)	122.8	X			
SELLS 556.5	1. ARTHUR WILSON ()	278.25	X			
	2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25	X			
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza)	95.25	X			
	2. DELISA M. RAMON (Sharon A. Francisco)	95.25	X			
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	121.3	X			
	2. JANICE FELIX (Adam P. Andrews)	121.3	X			
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eiler)	121.9	X			
	2. ROGER MANUEL (Christina Andrews)	121.9	X			
PISINEMO 232.7	1. MARIETTA MARTIN ()	116.35	X			
	2. EDWARD D. MANUAL (Monica Morgan)	116.35	X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ ()	108.3	X			X
	2. SANDRA D. ORTEGA (Delma M. Garcia)	108.3	X			
GU VO 270.7	1. GRACE MANUEL ()	135.35	X			
	2. CYNTHIA SAAVEDRA (Dallas Lewis)	135.35	X			
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN ()	139.25	X			
	2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25	X			
CHUKUT KUK 351.6	1. MARLAKAY HENRY (Billman Lopez)	175.8	X			
	2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8	X			
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone)	194.45	X			
	2. LEANDER MASE (Francine Schooling)	194.45	X			
TOTAL		3,218.0	3,218.0	-0-	-0-	[01]