

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving Resolution of Consent Acknowledging the Tohono O'odham Utility Authority's**  
**("TOUA") Application for Funding Opportunity Number: NTIA-ICG-TBCPO-2023-2008098**  
**of the Tribal Broadband Connectivity Program)**

**RESOLUTION NO. 24-060**

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  
13 by Resolution No. 91-175 (TOUA was formerly known as the "Papago Tribal  
14 Utility Authority" and was originally established pursuant to Resolution No. 08-  
15 70); and

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

24 **WHEREAS,** Section 5 of TOUA's Plan grants TOUA "the franchise, right, permit, easement and  
25 privilege of placing, erecting, constructing, repairing, removing, replacing,  
26 maintaining, using and operating public utility systems, lines and facilities . . .  
27 together with the right of ingress and egress . . . on, over, under and across  
28 unallotted lands of the Tohono O'odham Nation . . ." subject to the provisions of  
29 TOUA's Second Restated Plan of Operations as adopted into 24 Tohono O'odham  
30 Code, Chapter 1; and

31 **WHEREAS,** among other powers, the Plan provides that TOUA's Management Board shall  
32 "exercise full power and shall be responsible for the custody and management,



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1 operation, inventory and maintenance of all utilities and facilities; the planning,  
2 construction and operating of all new facilities; and for the taking of any and all  
3 usual, necessary and convenient action incidental thereto," (24 Tohono O'odham  
4 Code Chapter 1, Section 7.A.3); and

5 **WHEREAS,** the National Telecommunications and Information Administration ("NTIA")  
6 published Funding Opportunity Number: NTIA-ICG-TBCPO-2023-2008098, the  
7 second round of the Tribal Broadband Connectivity Program, a federal funding  
8 program that provides grants to eligible entities to "expand access to and adoption  
9 of: (i) broadband service on Tribal Land; or (ii) programs that promote the use of  
10 broadband to access remote learning, telework, or telehealth resources"; and

11 **WHEREAS,** NTIA expects to make awards under this program within the following funding  
12 ranges: 1) Broadband Infrastructure Deployment Projects and 2) Broadband  
13 Adoption and Use Projects; and

14 **WHEREAS,** TOUA qualifies as an "eligible entity" under Section 905(a)(8) of the Consolidated  
15 Appropriations Act, 2021, Division N, Title IX, Section 905, Pub. L. No. 116-260,  
16 134 Stat. 1182 (Dec. 27, 2020); and

17 **WHEREAS,** TOUA intends to seek funding for Broadband Infrastructure Deployment Projects  
18 and because TOUA is a subsidiary of the Tohono O'odham Nation a "Tribal  
19 Government Resolution" or "Tribal Resolution of Consent" is necessary; and

20 **WHEREAS,** upon receipt of an award by NTIA, a further resolution will be required to 1)  
21 provide a limited waiver of sovereign immunity for the purpose of providing an  
22 Enforceable Buildout Commitment for Underserved Areas, and 2) provide Tribal  
23 Government Certification of Underserved Areas; and

24 **WHEREAS,** TOUA has prepared and presented the grant proposal which, if awarded, will  
25 provide funding for a broadband infrastructure deployment project that will  
26 benefit those within the Nation's lands and requests the consent of the Tohono  
27 O'odham Legislative Council to submit the grant proposal to the funding agency.

28 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council approves  
29 this Resolution of Consent acknowledging that the Tohono O'odham Utility  
30 Authority ("TOUA") will submit an application for Funding Opportunity Number:  
31 NTIA-ICG-TBCPO-2023-2008098, the second round of the Tribal Broadband  
32 Connectivity Program.

33 **BE IT FINALLY RESOLVED** that the Tohono O'odham Legislative Council approves the  
34 rationale and source data provided by TOUA, in substantially the form attached,



**RESOLUTION NO. 24-060**

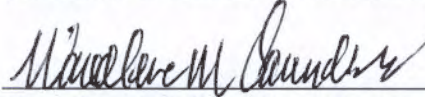
**(Approving Resolution of Consent Acknowledging the Tohono O'odham Utility Authority's ("TOUA") Application for Funding Opportunity Number: NTIA-ICG-TBCPO-2023-2008098 of the Tribal Broadband Connectivity Program)**

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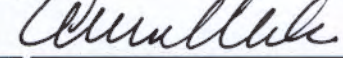
and determines that the areas of the Nation's lands proposed for last mile service are not served by a Qualifying Broadband Service.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 14<sup>TH</sup> day of FEBRUARY 2024 at a meeting at which a quorum was present with a vote of 3,263.3 FOR; -0- AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(e) and Section 1(e)(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**

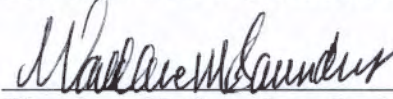
  
Wavalene M. Saunders, Legislative Chairwoman  
20 day of February, 2024

ATTEST:

  
Evonne Wilson, Legislative Secretary  
20 day of February, 2024

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 20 day of February, 2024 at 1:45 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**

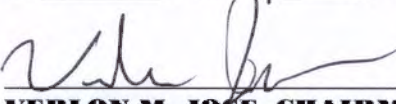
  
Wavalene M. Saunders, Legislative Chairwoman

APPROVED

on the 20 day of February, 2024

DISAPPROVED

at 6:30 o'clock, p.m.

  
VERLON M. JOSE, CHAIRMAN  
TOHONO O'ODHAM NATION

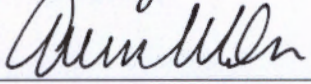
**RESOLUTION NO. 24-060**

**(Approving Resolution of Consent Acknowledging the Tohono O'odham Utility Authority's ("TOUA")  
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Returned to the Legislative Secretary on the 21 day of

February, 2024, at 12:14 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 ("TOUA") APPLICATION FOR FUNDING OPPORTUNITY NUMBER: NTIA-ICG-TBCPO-2023-2008098 OF THE TRIBAL BROADBAND CONNECTIVITY PROGRAM**

**MOVED: COUNCILMAN TIMOTHY L. JOAQUIN**

**SECOND: COUNCILWOMAN VICTORIA HOBBS**

**DATE: FEBRUARY 14, 2024**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> 394.2	1. LEANDER MASE (Francine Schooling) 2. JESSE NAVARRO (Alberta J. Ray)	197.1 197.1	X X			
<b>CHUKUT KUK</b> 354.7	1. VIVIAN JUAN-SAUNDERS (Cornelius Antone) 2. MARLAKAY HENRY ( )	177.35 177.35	X X			
<b>GU ACHI</b> 282.7	1. VICTORIA HOBBS (Tonya L. Joaquin) 2. TIMOTHY L. JOAQUIN (Jerome L. Joaquin)	141.35 141.35	X X			
<b>GU VO</b> 276.0	1. DALLAS LEWIS ( ) 2. LESLIE LUNA (Grace Manuel)	138.0 138.0	X X			
<b>HICKIWAN</b> 220.5	1. DELMA M. GARCIA ( ) 2. LOUIS R. LOPEZ (Loretta A. Ortega)	110.25 110.25	X X			X
<b>PISINEMO</b> 236.2	1. EDWARD D. MANUEL (Monica Morgan) 2. PAMELA J. BENAVIDEZ (Nora J. Ruelas)	118.1 118.1	X X			X
<b>SAN LUCY</b> 257.6	1. ROGER MANUEL (Christina Andrews) 2. GLORIA M. RAMIREZ (Lorraine M. Eiler)	128.8 128.8	X X			
<b>SAN XAVIER</b> 244.5	1. JANICE FELIX ( ) 2. DANIEL L.A. PRESTON III ( )	122.25 122.25	X X			
<b>SCHUK TOAK</b> 191.8	1. DELISA M. RAMON (Sharon A. Francisco) 2. THEORIA CAMPILLO (Rebecca Ann Valentine)	95.9 95.9	X X			
<b>SELLS</b> 558.0	1. EVELYN JUAN-MANUEL (Arvada Liston) 2. JANET B. ELEANDO ( )	279.0 279.0	X X			
<b>SIF OIDAK</b> 247.1	1. LUCINDA ALLEN <i>(Absent)</i> (Francis Homewytewa) <i>(Present)</i> 2. WAVALENE M. SAUNDERS (Mary Lopez)	123.55 123.55	X X			X
<b>TOTAL</b>		<b>3,263.30</b>	<b>3,263.3</b>	<b>-0-</b>	<b>-0-</b>	<b>[03]</b>