

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Tribal Resolution of Consent Authorizing Tohono O'odham Utility
Authority to Submit an Application for the State of Arizona's Broadband
Equity, Access, and Deployment Program)

RESOLUTION NO. 25-257

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,** by Resolution No. 8-70, the Nation established the Tohono O'odham Utility
12 Authority ("TOUA"), formerly known as the "Papago Tribal Utility Authority," and
13 by Resolution No. 91-175, the Tohono O'odham Legislative Council adopted the
14 Tohono O'odham Utility Authority ("TOUA") Second Restated Plan of Operation
15 ("TOUA Plan of Operation") (24 Tohono O'odham Code Chapter 1 – Tohono
16 O'odham Utility Authority); and

17 **WHEREAS,** pursuant to the TOUA Plan of Operation, the TOUA Management Board is
18 delegated authority and responsibility for the management and operation of the
19 TOUA and is authorized to direct the operations to accomplish TOUA's purposes,
20 including to "promote the use of utility services where available in order to
21 improve the health and welfare of the residents of the Tohono O'odham Nation,"
22 and to "acquire, construct, operate, maintain, promote and expand utility
23 systems . . . within the Tohono O'odham Nation." (24 Tohono O'odham Code
24 Chapter 1, Section 4.A.2. and 3. and Section 7.A.1. and 2.); and

25 **WHEREAS,** the Nation has identified access to affordable broadband as a priority for the
26 Nation and its members; and

27 **WHEREAS,** the Nation has recognized that TOUA can, pursuant to the Broadband Equity,
28 Access, and Deployment ("BEAD") Program administered by the National
29 Telecommunications and Information Administration ("NTIA") of the U.S.
30 Department of Commerce, provide broadband to more of the Nation's
31 underserved Nation's members; and

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1 **WHEREAS, the Nation was notified by the Arizona Commerce Authority, through TOUA, that**
2 **TOUA had been selected to receive a grant of Award to deploy broadband**
3 **infrastructure on the Nation's lands through the BEAD Program, which requires**
4 **a Resolution of Consent from the Nation pursuant to Section IV.B.9.b of the BEAD**
5 **Notice of Funding Opportunity; and**

6 **WHEREAS, the Tohono O'odham Legislative Council Commerce Committee reviewed TOUA's**
7 **proposal for the BEAD Program and recommends support.**

8 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves this**
9 **resolution consenting to and authorizing Tohono O'odham Utility Authority to**
10 **submit an application for the State of Arizona's Broadband Equity, Access, and**
11 **Deployment Program.**

12 **BE IT FURTHER RESOLVED that, pursuant to the process administered by the Arizona**
13 **Commerce Authority through the BEAD Program, that the Tohono O'odham**
14 **Legislative Council agrees that in the event of a successful bid, that TOUA is vested**
15 **by the TOUA Plan of Operation to enter into and execute an agreement in TOUA's**
16 **name (without further approval of the Tohono O'odham Legislative Council) and**
17 **TOUA may, consistent with the laws of the Nation, construct and operate a**
18 **network on the Nation's lands.**

19 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the specifics of the**
20 **planned broadband deployment project shall be as follows:**

- 21 **1. The entity that will deploy and operate the network is: TOUA, a subordinate**
22 **(and not legally separate) enterprise of the Tohono O'odham Nation;**
- 23 **2. The broadband technologies that will be deployed on tribal lands:**
 - 24 **a. Wireless Broadband deployment to Tecolote and Toro's Ranch, and**
 - 25 **b. Fiber connection from main reservation (Sells central office) to San**
26 **Xavier (San Xavier central office);**
- 27 **3. Timeframe of the agreement: Four (4) years from date of award; and**
- 28 **4. Identify the legal interest of the Tribe in the land described in the proposed**
29 **project: Pursuant to Constitution, Article XVI, Section 1, "The unallotted**
30 **lands of the Tohono O'odham Nation and all lands hereafter acquired by the**
31 **nation, or held for the use of the nation or its members, are a valuable public**
32 **resource and shall be held as national lands forever." Further, TOUA Plan of**
33 **Operation, Section 7.B.5 provides that "Title to all such real property**
34 **[utilized, improved, managed, operated, or acquired by TOUA through sale,**

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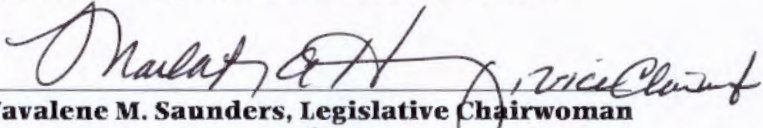
(Approving a Tribal Resolution of Consent Authorizing Tohono O'odham Utility Authority to Submit an Application for the State of Arizona's Broadband Equity, Access, and Deployment Program)

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lease, or mortgage] shall be taken in the name of the Tohono O'odham Nation and title to all trust or restricted real property shall be and remain in its trust or restricted status."

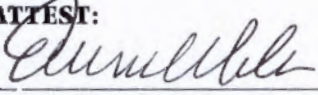
The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06TH day of AUGUST, 2025 at a meeting at which a quorum was present with a vote of 3,321.1 FOR; -0- AGAINST; -0- NOT VOTING; and [01] ARSENT, pursuant to the powers vested in the Council by Article VI, Section 1(e) and 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


Wavalene M. Saunders, Legislative Chairwoman

8TH day of August, 2025

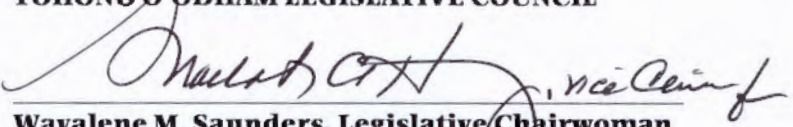
ATTEST:


Evonne Wilson, Legislative Secretary

7 day of August, 2025

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 8TH day of August, 2025 at 8:14 o'clock, A.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

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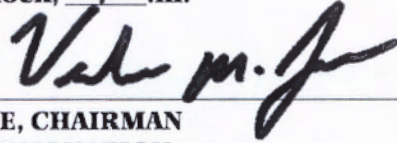
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☒ APPROVED

on the 8 day of August, 2025

☐ DISAPPROVED

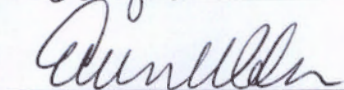
at 9 o'clock, A.m.



VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 8 day of

August, 2025, at 10:14 o'clock, A.m.



Evonne Wilson, Legislative Secretary

ACTION: APPROVING A TRIBAL RESOLUTION OF CONSENT AUTHORIZING TOHONO O'ODHAM UTILITY AUTHORITY TO SUBMIT AN APPLICATION FOR THE STATE OF ARIZONA'S BROADBAND EQUITY, ACCESS, AND DEPLOYMENT PROGRAM

Moved: COUNCILWOMAN THEORIA CAMPILLO

SECOND: COUNCILWOMAN EVELYN JUAN MANUEL

DATE: AUGUST 06, 2025

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF ODAK 251.2	1. WAVALENE M. SAUNDERS (Mary Lopez) 2. FRANCIS HOMEWYTEWA ()	125.6 125.6	X X			
SELLS 565.7	1. JANET B. ELEANDO () 2. EVELYN JUAN MANUEL (Juan Buendia)	282.85 282.85	X X			
SCHUK TOAK 195.3	1. THEORIA CAMPILLO (Rebecca Ann Valentine) 2. DELISA M. RAMON (Quintin C. Lopez)	97.65 97.65	X X			
SAN XAVIER 249.8	1. DANIEL L.A. PRESTON III () 2. JANICE FELIX ()	124.9 124.9	X X			
SAN LUCY 266.3	1. GLORIA M. RAMIREZ (Lorraine M. Eiler) 2. ROGER MANUEL (Absent) (Christina Andrews) (Present)	133.15 133.15	X X			
PISINEMO 240.3	1. PAMELA J. BENAVIDEZ (Absent) (Nora J. Ruelas) (Present) 2. NAOMI MONTE (Edward D. Manuel)	120.15 120.15	X X			
HICKIWAN 222.9	1. LOUIS R. LOPEZ (Loretta A. Ortega) 2. DELMA M. GARCIA ()	111.45 111.45	X X			X
GU VO 279.6	1. LESLIE LUNA () 2. BENNETT CHEWING ()	139.8 139.8	X X			
GUACHI 289.2	1. JEROME F. JOAQUIN (Gloria Johnson) 2. LUCIUS E. LOPEZ (Victoria A. Hobbs)	144.6 144.6	X X			
CHUKUT KUK 361.9	1. MARLAKAY HENRY () 2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	180.95 180.95	X X			
BABOQUIVARI 398.9	1. JESSE NAVARRO (Alberta J. Ray) 2. NED NORRIS, JR (Leander Mase)	199.45 199.45	X X			
TOTAL		3,321.1	3,321.1	-0-	-0-	[01]