

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing Removal of Cable Television Equipment from TOUA Utility Poles)**

RESOLUTION NO. 14-564

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council**
2 **with the authority to "promote, protect and provide for public health, peace,**
3 **morals, education and general welfare of the Tohono O'odham Nation and its**
4 **members" and to "regulate the use and disposition of private property within its**
5 **territory insofar as such use and disposition may affect the welfare of the**
6 **Tohono O'odham Nation at large" (Constitution, Article VI, Section 1(c)(2) and**
7 **Section 1(c)(4)); and**

8 **WHEREAS, in 1984, prior to the enactment of the Tohono O'odham Constitution, the Papago**
9 **Council enacted Ordinance No. 04-84, the "Cable Communications Ordinance"**
10 **to regulate the cable communications businesses located on the Papago Tribe's**
11 **reservation; and**

12 **WHEREAS, the Cable Communications Ordinance continues to regulate the installation,**
13 **construction, operation and maintenance of a cable communications system**
14 **connected with streets, public ways, or in public places within the jurisdiction of**
15 **the Tohono O'odham Nation (Ordinance No. 04-84, Section 3, (1)); and**

16 **WHEREAS, pursuant to the Cable Communications Ordinance, a person must first obtain a**
17 **license agreement before constructing, installing, maintaining, or operating a**
18 **cable communications system within the Tohono O'odham Nation; and**

19 **WHEREAS, in 1984, the Papago Council by resolution granted Papago Oasis Enterprises, Inc.**
20 **a non-exclusive license to establish and maintain a cable communications**
21 **system in accordance with the Cable Communications Ordinance (Resolution**
22 **No. 198-84); and**

23 **WHEREAS, in 1987, TOUA and Papago Oasis Enterprises, Inc. entered into an agreement**
24 **which allowed Papago Oasis Enterprises, Inc. to attach cable television**
25 **equipment to utility poles operated by the TOUA; and**

26 **WHEREAS, in 2004, a business called Red Hawk Cablevision contacted TOUA asking for**
27 **assistance with cable television equipment located on TOUA's utility poles; and**

28 **WHEREAS, there are no records that Red Hawk Cablevision was ever granted a license**
29 **agreement by the Legislative Council in accordance with the Cable**
30 **Communications Ordinance; and**

31 **WHEREAS, the Tohono O'odham Utility Authority recently raised safety concerns with cable**
32 **television equipment, which was originally installed either by Papago Oasis**

RESOLUTION NO. 14-564

(Authorizing Removal of Cable Television Equipment from TOUA Utility Poles)

Page 2 of 3

1 **Enterprises, Inc. or Red Hawk Cablevision, attached to utility poles operated and**
2 **managed by TOUA; and**

3 **WHEREAS, the Cable Communications Ordinances vests the Legislative Council with broad**
4 **authorities, including terminating a license agreement and directing a licensee**
5 **to dismantle the cable system and restore any property to the condition in which**
6 **it existed prior (Ordinance No. 04-84, Section 17, (1) and (4)); and**

7 **WHEREAS, under the Cable Communications Ordinances, the Tohono O'odham Nation**
8 **reserves the right to exercise its police and governmental power to the extent**
9 **necessary for the welfare of the public (Ordinance No. 04-84, Section 22, (1)(a));**
10 **and**

11 **WHEREAS, based upon available information, neither Papago Oasis Enterprises nor Red**
12 **Hawk Cablevision provide services to the Nation's members and do not continue**
13 **to operate or have the means to remove the cable equipment; and**

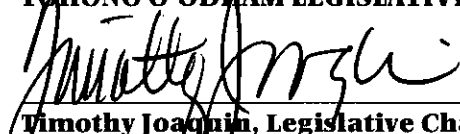
14 **WHEREAS, based upon immediate safety concerns, the TOUA has offered to remove the**
15 **cable television equipment located on its utility poles; and**

16 **WHEREAS, it is in the best interest of the Nation's members to authorize TOUA to remove**
17 **and dispose of the cable television equipment originally installed by Papago**
18 **Oasis Enterprises, Inc. or Red Hawk Cablevision from TOUA's utility poles and**
19 **other locations.**

20 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it**
21 **authorizes the Tohono O'odham Utility Authority to remove and dispose of the**
22 **cable television equipment originally installed by Papago Oasis Enterprises, Inc.**
23 **or Red Hawk Cablevision from TOUA's utility poles and other locations.**

24 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 22ND**
25 **day of DECEMBER, 2014 at a meeting at which a quorum was present with a vote of 2,946.5 FOR;**
26 **-0- AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
27 **Article VI; Section 1(c)(2) and Section 1(c)(4) of the Constitution of the Tohono O'odham Nation,**
28 **adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting**
29 **Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section**
30 **16 of the Act of June 18, 1934 (48 Stat.984).**

31
32 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

33
34
35 
36 **Timothy Joaquin, Legislative Chairman**

37
38 30 day of December, 2014
39

RESOLUTION NO. 14-564
(Authorizing Removal of Cable Television Equipment from TOUA Utility Poles)
Page 3 of 3

1 **ATTEST:**

2 *Evonne Wilson*
3
4 **Evonne Wilson, Legislative Secretary**

5 29 day of December, 2014

7
8 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
9 O'odham Nation on the 30 day of December, 2014 at 3:33 o'clock, P.m.,
10 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
11 effective upon his approval or upon his failure to either approve or disapprove it within 48
12 hours of submittal.

13
14 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

15 *Timothy Joaquin*
16
17
18 **Timothy Joaquin, Legislative Chairman**

19
20
21
22 **APPROVED**

23 on the 30 day of December, 2014

24
25 **DISAPPROVED**

26 at 5:05 o'clock, P.m.

27 *Ned Norris, Jr.*
28
29 **NED NORRIS, JR., CHAIRMAN**
30 **TOHONO O'ODHAM NATION**

31
32
33
34
35
36 Returned to the Legislative Secretary on the 31 day of
37 December, 2014, at 9:05 o'clock, a.m.

38 *Evonne Wilson*
39
40
41
42 **Evonne Wilson, Legislative Secretary**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

ACTION: AUTHORIZING REMOVAL OF CABLE TELEVISION EQUIPMENT FROM TOUA UTILITY POLES

MOVED: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILMAN QUINTIN C. LOPEZ

DATE: DECEMBER 22, 2014

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 224.2	1. LUCINDA ALLEN (Nicholas Jose)	112.1	X			
	2. MARY LOPEZ ()	112.1	X			
SELLS 502.0	1. ARTHUR WILSON (Ophelia Patten)	251.0	X			
	2. BARBARA HAVIER (Beverly Rivas)	251.0	X			
SCHUK TOAK 174.2	1. FRANCES B. STEPHENS (Anthony J. Rios)	87.1	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	87.1	X			
SAN XAVIER 224.2	1. HILARION CAMPUS (Daniel L.A. Preston, III)	112.1	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	112.1	X			X
SAN LUCY 219.6	1. DIANA MANUEL (Gloria Ramirez)	109.8	X			
	2. JANA MONTANA ()	109.8	X			
PISINEMO 210.6	1. CHESTER ANTONE (Tony Murrietta)	105.3	X			
	2. EDWARD MANUEL, SR. ()	105.3	X			
HICKIWAN 196.9	1. LOUIS R. LOPEZ ()	98.45	X			X
	2. SANDRA ORTEGA (Manuel Osequeda, Jr.)	98.45	X			
HIA CED 19.6	1. PATRICK ANDREWS (Janice E. Paul)	9.8	X			
	2. VIRGINIA GARCIA	9.8	X			
GU VO 241.0	1. GRACE MANUEL (Floyd Flores)	120.5	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	120.5	X			
GU ACHI 257.3	1. TIMOTHY L. JOAQUIN ()	128.65	X			
	2. LORETTA LEWIS (Louis Johnson)	128.65	X			X
CHUKUT KUK 319.2	1. ETHEL GARCIA (Marlakay C. Henry)	159.6	X			
	2. BILLMAN LOPEZ ()	159.6	X			
BABOQUIVARI 357.7	1. FRANCES MIGUEL (Roberta Harvey)	178.85	X			
	2. VERNON J. SMITH (Gloria Zazueta)	178.85	X			
TOTAL		2,946.5	2,946.5	-0-	-0-	[03]