

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing an Amendment to Pending Federal Communication Commission Application for Construction Permit for Reserved Channel, Noncommercial Educational Broadcast Station, File Number BNPED - 20071019AVL Proposed for San Lucy Community, San Lucy District)

RESOLUTION NO. 09-074

1 **WHEREAS, by the enactment of Resolution 07-678, the Tohono O'odham Legislative Council**
2 **authorized the submission of three applications to the Federal Communication**
3 **Commission (the "FCC") for construction permits for reserved channel,**
4 **noncommercial educational broadcast stations for the communities of Cockleburr,**
5 **San Lucy and San Pedro; and**

6 **WHEREAS, the application submitted for San Lucy ("San Lucy Application") proposed to**
7 **construct a new radio station to serve the San Lucy District of the Tohono O'odham**
8 **Nation on channel 214 with San Lucy, a community within the San Lucy District of the**
9 **Tohono O'odham Nation as the designated community of license; and**

10 **WHEREAS, on June 18, 2008, the FCC issued Order Number DA-08-1437 in which it identified the**
11 **San Lucy Application as being mutually exclusive with nine other applications**
12 **including the Tohono O'odham Nation's application for Cockleburr, designating the**
13 **mutually exclusive group as MX Group 309; and**

14 **WHEREAS, KOHN through its engineer, RF Engineers, has prepared an amendment to the**
15 **proposed San Lucy Application to remove it from MX Group 309 and make it a**
16 **singleton; and**

17 **WHEREAS, the amendment as prepared proposes:**

- 18 (1) **a new 60 dBu service contour encompassing a total land area of 1,845 km**
19 **containing 2,215 persons based on the US Census year 2000 block level data;**
20 **and**
- 21 (2) **use of an existing registered tower, registration number 1221255, registered to**
22 **American Towers, for which the Nation has obtained a signed letter of intent;**
23 **and**
- 24 (3) **moving the original proposed channel from channel 214 to channel 216; and**

25 **WHEREAS, subject to a grant of a construction permit by the FCC for the new San Lucy station,**
26 **KOHN shall submit for final approval by this Council all necessary agreements,**
27 **contracts, funding proposals and other such actions as may be required.**

28 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby**
29 **approves and authorizes for submission to the FCC the attached FCC Form 340**
30 **Application for Construction Permit for Reserved Channel, Non-commercial**
31 **Educational Broadcast Station Minor Amendment to Pending San Lucy Application,**
32 **file number BNPED - 20071019AVL, for modification to channel 216 with San Lucy as**
33 **the designated community of license.**

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1 **BE IT FURTHER RESOLVED** subject to a grant of a construction permit by FCC for the new San Lucy
2 station, KOHN shall submit for final approval by the Tohono O'odham Legislative
3 Council all necessary agreements, contracts, funding proposals and other such
4 actions as may be required.

5 **BE IT FURTHER RESOLVED** that the Tohono O'odham Nation's officials to-wit the Chairman and
6 any designated official are hereby authorized to approve any future technical or
7 engineering changes and/or amendments associated with the San Lucy Application.

8 **BE IT FINALLY RESOLVED** that the Tohono O'odham Nation's officials to-wit the Chairman and any
9 designated official are hereby authorized to execute any document(s) necessary for
10 submission of the attached FCC Form 340, Application for Construction Permit for
11 Reserved Channel, Non-commercial Educational Broadcast Station Minor
12 Amendment to Pending San Lucy Application, file number BNPED - 20071019AVL.

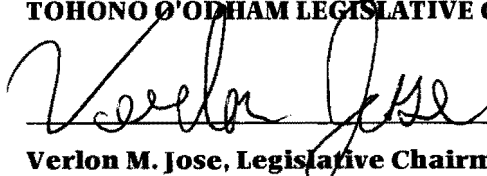
13 The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 10TH Day
14 of FEBRUARY, 2009 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0-
15 AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by
16 Section (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono
17 O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -
18 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48
19 Stat. 984).

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

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Verlon M. Jose, Legislative Chairman

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18 day of February, 2009

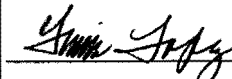
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27 **ATTEST:**

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Lucille Lopez, Acting Legislative Secretary

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10 day of February, 2009.

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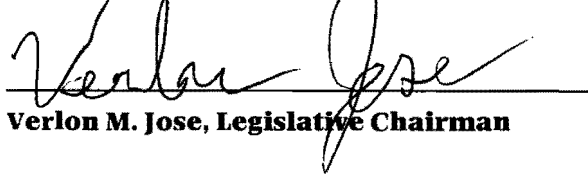
Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham
Nation on the 18 day of February, 2009 at 9:56 o'clock, 10 .M.,
pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
upon his approval or upon his failure to either approve or disapprove it within 48 hours of
submittal.

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

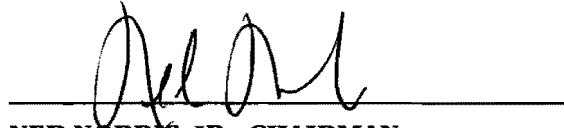

Verlon M. Jose, Legislative Chairman

APPROVED

on the 20 day of February, 2009

DISAPPROVED

at 4:10 o'clock, P.M.


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

Returned to the Legislative Secretary on the 23 day of

February, 2009, at 8:42 o'clock, A.M.


Lucille Lopez, Acting Legislative Secretary

ACTION: AUTHORIZING AN AMENDMENT TO PENDING FEDERAL COMMUNICATION COMMISSION APPLICATION FOR CONSTRUCTION PERMIT FOR RESERVED CHANNEL, NONCOMMERCIAL EDUCATIONAL BROADCAST STATION, FILE NUMBER BNPED - 20071019AVL PROPOSED FOR SAN LUCY COMMUNITY, SAN LUCY DISTRICT

MOVED: COUNCILWOMAN WAVALENE ROMERO

SECOND: COUNCILWOMAN ETHEL GARCIA

DATE: FEBRUARY 10, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (Vernon Smith)	158.45	X			
CHUKUT KUK 264.8	1. ETHEL GARCIA ()	132.40	X			
	2. VERLON M. JOSE ()	132.40	X			
GU ACHI 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL** ()	113.95	X			
GU VO 199.2	1. GRACE MANUEL ()	99.60	X			
	2. RAYMOND VICTOR ()	99.60	X			X
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00	X			
	2. SANDRA ORTEGA ()	86.00	X			
PISINEMO 182.4	1. CHESTER ANTONE <i>(Absent)</i> (Tony Murrietta) <i>(Present)</i>	91.20	X			
	2. GERALD FAYUANT ()	91.20	X			
SAN LUCY 181.1	1. LORRAINE EILER ()	90.55	X			
	2. GLORIA RAMIREZ** ()	90.55	X			
SAN XAVIER 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			X
SCHUK TOAK 154.6	1. FRANCES B. CONDE (Fredrick Jose)	77.30	X			X
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
SELLS 444.7	1. KIMBERLY LISTO ()	222.35	X			
	2. EVELYN B. JUAN MANUEL ()	222.35	X			
SIF OIDAK 194.4	1. WAVALENE ROMERO ()	97.20	X			
	2. MARY LOPEZ** ()	97.20	X			
TOTAL		2,534.5	2,534.5	-0-	-0-	[03]

**PASSED VOTES