

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving an Intergovernmental Agreement Between the Tohono O'odham Nation  
and the Arizona Department of Transportation)**

**RESOLUTION NO. 09-637**

1 **WHEREAS, the Planning and Economic Development Department has prepared an application**  
2 **for the Nation's Division of Senior Services in the Department of Health and Human**  
3 **Services to apply for funding from a federal program called the "Elderly Individuals**  
4 **and Individuals with Disabilities Transportation Program of the Transportation**  
5 **Equity Act for the 21<sup>st</sup> Century (TEA 21)" to purchase wheelchair-accessible vehicles;**  
6 **and**

7 **WHEREAS, the federal program is administered by the Arizona Department of Transportation**  
8 **("ADOT") with assistance in preparing applications from the Pima Association of**  
9 **Governments; and**

10 **WHEREAS, part of the application process is the negotiation of an intergovernmental agreement**  
11 **with ADOT, which is to be executed after ADOT ranks the applications and awards the**  
12 **grants; and**

13 **WHEREAS, the Office of Attorney General has negotiated an intergovernmental agreement (the**  
14 **"Agreement") which protects the Nation from required compliance with certain state**  
15 **laws, but which also provides for dispute resolution through arbitration and**  
16 **enforcement of an arbitration award in court by either party; and**

17 **WHEREAS, the dispute resolution provision requires a limited waiver of the Nation's sovereign**  
18 **immunity to allow the state of Arizona to enforce an arbitrator's award in court; and**

19 **WHEREAS, the Commerce Committee has reviewed the proposal and the Agreement and**  
20 **recommends that the Legislative Council approve the Agreement.**

21 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council:**

- 22 **1. Approves the Intergovernmental Agreement between the Tohono O'odham Nation**  
23 **and the Arizona Department of Transportation substantially in the form attached**  
24 **hereto and approves a limited waiver of the Nation's sovereign immunity to allow**  
25 **for the dispute resolution provision in section 16 of the Agreement.**
  - 26 **2. Authorizes and directs the Chairperson of the Nation to execute the Agreement on**  
27 **behalf of the Nation.**
  - 28 **3. Authorizes the Chairman of the Nation or any designee to execute and submit the**  
29 **application for funding which is necessary for this project.**
- 30  
31  
32

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09<sup>TH</sup>. Day of DECEMBER, 2009 at a meeting at which a quorum was present with a vote of 2,408.40 FOR; -0- AGAINST; -0-NOT VOTING; and 187.10[05] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1 (f) 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

*Felicia Nantz for*  
Verlon M. Jose, Legislative Chairman  
*15<sup>th</sup>* day of *December*, 2009

ATTEST:

*Evonne Wilson*  
Evonne Wilson, Legislative Secretary

*9* day of *December*, 2009.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the *15<sup>th</sup>* day of *December*, 2009 at *2:17* 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

*Felicia Nantz for*  
Verlon M. Jose, Legislative Chairman

APPROVED

on the *16* day of *December*, 2009

DISAPPROVED

at *4:49* o'clock, *P*.M.

*Ned Norris, Jr.*  
NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 16 day of

December, 2009, at 5:15 o'clock, p.M.

*Evonne Wilson*

**Evonne Wilson, Legislative Secretary**

**ACTION: APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION AND THE ARIZONA DEPARTMENT OF TRANSPORTATION**

**Moved: COUNCILWOMAN PAMELA ANGHILL**

**SECOND: COUNCILWOMAN MARY LOPEZ**

**DATE: DECEMBER 09, 2009**

| DISTRICT                           | LEGISLATIVE REPRESENTATIVES                | # OF VOTES      | FOR             | AGAINST    | NOT VOTING | ABSENT                       |
|------------------------------------|--|-----------------|-----------------|------------|------------|------------------------------|
| <b>SIF Oidak</b><br><b>198.7</b>   | 1. WAVALENE ROMERO<br>(Nicholas Jose)      | 99.35           | X               |            |            |                              |
|                                    | 2. MARY LOPEZ<br>( )                       | 99.35           | X               |            |            |                              |
| <b>SELLS</b><br><b>449.6</b>       | 1. KIMBERLY LISTO<br>( )                   | 224.80          | X               |            |            |                              |
|                                    | 2. EVELYN B. JUAN MANUEL<br>( )            | 224.80          | X               |            |            |                              |
| <b>SCHUK TOAK</b><br><b>159.0</b>  | 1. FRANCES B. CONDE<br>(Fredrick Jose)     | 79.50           | X               |            |            | X                            |
|                                    | 2. LINDA PARLEY<br>(Agnes Joaquin)         | 79.50           | X               |            |            |                              |
| <b>SAN XAVIER</b><br><b>204.7</b>  | 1. FELICIA NUÑEZ<br>( )                    | 102.35          | X               |            |            | X                            |
|                                    | 2. OLIVIA VILLEGAS-LISTON<br>(Eugene Enis) | 102.35          | X               |            |            |                              |
| <b>SAN LUCY</b><br><b>187.1</b>    | 1. LORRAINE EILER<br>(Charlotte Cadavas)   | 93.55           |                 |            |            | X                            |
|                                    | 2. GLORIA RAMIREZ<br>( )                   | 93.55           |                 |            |            | X                            |
| <b>PISINEMO</b><br><b>184.5</b>    | 1. CHESTER ANTONE<br>(Tony Murrietta)      | 92.25           | X               |            |            |                              |
|                                    | 2. EDWARD MANUEL<br>(Gerald Fayuant)       | 92.25           | X               |            |            |                              |
| <b>HICKIWAN</b><br><b>174.5</b>    | 1. MICHELLE ORTEGA<br>( )                  | 87.25           | X               |            |            |                              |
|                                    | 2. SANDRA ORTEGA<br>( )                    | 87.25           | X               |            |            | X                            |
| <b>GU VO</b><br><b>206.3</b>       | 1. GRACE MANUEL<br>( )                     | 103.15          | X               |            |            |                              |
|                                    | 2. PAMELA ANGHILL<br>(Angela Ortiz)        | 103.15          | X               |            |            |                              |
| <b>GU ACHI</b><br><b>230.1</b>     | 1. TIMOTHY L. JOAQUIN<br>( )               | 115.05          | X               |            |            |                              |
|                                    | 2. CYNTHIA E. MANUEL<br>(Louis J. Johnson) | 115.05          | X               |            |            |                              |
| <b>CHUKUT KUK</b><br><b>277.0</b>  | 1. ETHEL GARCIA<br>(Sara Mae Williams)     | 138.50          | X               |            |            |                              |
|                                    | 2. VERLON M. JOSE<br>( )                   | 138.50          | X               |            |            |                              |
| <b>BABOQUIVARI</b><br><b>324.0</b> | 1. FRANCES MIGUEL<br>(Roberta Harvey)      | 162.0           | X               |            |            |                              |
|                                    | 2. FRANCES G. ANTONE<br>(Vernon Smith)     | 162.0           | X               |            |            |                              |
| <b>TOTAL</b>                       |  | <b>2,595.50</b> | <b>2,408.40</b> | <b>-0-</b> | <b>-0-</b> | <b>187.10</b><br><b>[05]</b> |