

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing Sif Oidak District to Enter Into an Intergovernmental Agreement
With the Arizona Department of Transportation)

RESOLUTION NO. 09-639

1 **WHEREAS, the Planning and Economic Development Department has assisted the Sif Oidak**
2 **District in applying for funding from a federal program called the "Elderly Individuals**
3 **and Individuals with Disabilities Transportation Program of the Transportation**
4 **Equity Act for the 21st Century (TEA 21)" to purchase wheelchair-accessible vehicles;**
5 **and**

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

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

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

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

19 **WHEREAS, Sif Oidak District has funds available for the matching funds required by the grant,**
20 **and has requested that the Nation's Planning and Economic Development Department**
21 **submit the grant application on its behalf; and**

22 **WHEREAS, the Agreement requires the approval of the Legislative Council pursuant to Article VI,**
23 **Section 1(f) of the Constitution of the Tohono O'odham Nation; and**

24 **WHEREAS, the Commerce Committee has reviewed the proposal and the Agreement and**
25 **recommends that the Legislative Council authorize Sif Oidak District to enter into the**
26 **Agreement.**

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

- 28 **1. Approves the Intergovernmental Agreement between Sif Oidak District and the**
29 **Arizona Department of Transportation substantially in the form attached hereto**
30 **and approves a limited waiver of Sif Oidak District's sovereign immunity to allow**
31 **for the dispute resolution provided for in section 16 of the Agreement.**
32

RESOLUTION NO. 09-639

(Authorizing Sif Oidak District to Enter Into an Intergovernmental Agreement With the Arizona Department of Transportation)

Page 2 of 3

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

- 2. Authorizes Sif Oidak District to enter into the Agreement.
- 3. Authorizes the Chairman of the Nation to sign the concurrence of the Nation to the Agreement.

BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council, by authorizing Sif Oidak District to enter into the Agreement, intends that all responsibility and liability, including financial liability, related to this project and the Agreement shall remain with Sif Oidak District, and no responsibility or liability, including financial liability, shall fall upon the Tohono O'odham Nation.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09TH 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[04] 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 Nunez for
Verlon M. Jose, Legislative Chairman

15th 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 *15th* day of *December*, 2009 at *2:19* 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 Nunez for
Verlon M. Jose, Legislative Chairman

RESOLUTION NO. 09-639

(Authorizing Sif Oidak District to Enter Into an Intergovernmental Agreement With the Arizona Department of Transportation)

Page 3 of 3

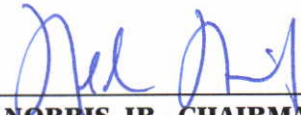
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

APPROVED

on the 16 day of December, 2009

DISAPPROVED

at 4:50 o'clock, P.M.



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

Returned to the Legislative Secretary on the 16 day of

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



Evonne Wilson, Legislative Secretary

ACTION: AUTHORIZING SIF OIDAK DISTRICT TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION

MOVED: COUNCILWOMAN MARY LOPEZ

SECOND: COUNCILWOMAN WAVALENE ROMERO

DATE: DECEMBER 09, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 198.7	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			
	2. MARY LOPEZ ()	99.35	X			
SELLS 449.6	1. KIMBERLY LISTO ()	224.80	X			
	2. EVELYN B. JUAN MANUEL ()	224.80	X			
SCHUK TOAK 159.0	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			X
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
SAN XAVIER 204.7	1. FELICIA NUÑEZ ()	102.35	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35	X			
SAN LUCY 187.1	1. LORRAINE EILER (Charlotte Cadavas)	93.55				X
	2. GLORIA RAMIREZ ()	93.55				X
PISINEMO 184.5	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
HICKIWAN 174.5	1. MICHELLE ORTEGA ()	87.25	X			
	2. SANDRA ORTEGA ()	87.25	X			X
GU VO 206.3	1. GRACE MANUEL ()	103.15	X			
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			
GU ACHI 230.1	1. TIMOTHY L. JOAQUIN ()	115.05	X			
	2. CYNTHIA E. MANUEL (Louis J. Johnson)	115.05	X			
CHUKUT KUK 277.0	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ()	138.50	X			
BABOQUIVARI 324.0	1. FRANCES MIGUEL (Roberta Harvey)	162.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	162.0	X			
TOTAL		2,595.50	2,408.40	-0-	-0-	187.10 [04]