

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving an Intergovernmental Agreement between the Arizona Board of Regents
on behalf of the University of Arizona and the Tohono O'odham Nation to Develop
Phase 5 of the Climate Adaptation Plan)

RESOLUTION NO. 18-116

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Legislative Council with
2 the power "to consult, negotiate and conclude agreements and contracts on
3 behalf of the Tohono O'odham Nation with Federal, State and local governments
4 and other Indian tribes or their departments, agencies, or political subdivisions,
5 or with private persons or organizations on all matters within the authority of the
6 Tohono O'odham Council." (Constitution, Article VI, Section 1(f)); and

7 **WHEREAS,** pursuant to Resolutions No. 14-265, 15-069, 15-404, and 17-041 the University of
8 Arizona has completed Phases 1, 2, 3 and 4 of the Climate Adaptation Plan; and

9 **WHEREAS,** the Water Resources Department has determined a need to complete Phase 5 of
10 the Climate Adaptation Plan; and

11 **WHEREAS,** the Water Resources Department requests that the Nation enter into an
12 Intergovernmental Agreement with the Arizona Board of Regents, on behalf of
13 the University of Arizona, to complete Phase 5 of the Climate Adaptation Plan; and

14 **WHEREAS,** the Intergovernmental Agreement requires a limited waiver of the sovereign
15 immunity of the Nation in favor of University of Arizona Board of Regents to allow
16 the terms of the Intergovernmental Agreement to be enforced; and

17 **WHEREAS,** the Water Resources and the Agricultural and Natural Resources Committees of
18 the Legislative Council have reviewed this Agreement including the limited
19 waiver of sovereign immunity and recommend its approval.

20 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council hereby
21 approves this Intergovernmental Agreement between the Arizona Board of
22 Regents, on behalf of the University of Arizona, and the Nation to develop Phase 5
23 of the Climate Adaptation Plan, substantially in the form attached hereto, and
24 authorizes the Chairperson of the Nation to sign this Agreement on behalf of the
25 Nation.

26 **BE IT FINALLY RESOLVED** that the Tohono O'odham Legislative Council grants a limited waiver
27 of the sovereign immunity of the Nation from suit or action in favor of Arizona
28 Board of Regents solely to allow enforcement of the arbitration provision found
29 in Section 15 of the Intergovernmental Agreement.

30 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10TH
31 day of APRIL, 2018 at a meeting at which a quorum was present with a vote of 3,084.6 FOR; -0-
32 AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by
33 Article VI, Section 1(f) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono
34 O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -
35 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934
36 (48 Stat.984).

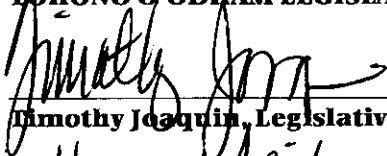
RESOLUTION NO. 18-116

(Approving an Intergovernmental Agreement between the Arizona Board of Regents on behalf of the University of Arizona and the Tohono O'odham Nation to Develop Phase 5 of the Climate Adaptation Plan)

Page 2 of 2

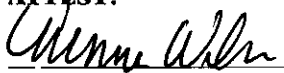
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman
11 day of April, 2018


ATTEST:



Evonne Wilson, Legislative Secretary
11 day of April, 2018

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 11 day of April, 2018 at 3:59 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



Timothy Joaquin, Legislative Chairman

APPROVED on the 13th day of April, 2018
 DISAPPROVED at 2:38 o'clock, P.M.



EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 13 day of April, 2018, at 2:50 o'clock, P.M.



Evonne Wilson, Legislative Secretary

ACTION: APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE ARIZONA BOARD OF REGENTS ON BEHALF OF THE UNIVERSITY OF ARIZONA AND THE TOHONO O'ODHAM NATION TO DEVELOP PHASE 5 OF THE CLIMATE ADAPTATION PLAN

Moved: VICE CHAIRMAN QUINTIN C. LOPEZ

SECOND: COUNCILWOMAN LUCINDA J. ALLEN

DATE: APRIL 10, 2018

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 235.8	1. MARY LOPEZ ()	117.9	X			
	2. LUCINDA ALLEN (Yolonda Garcia)	117.9	X			
SELLS 527.2	1. ARTHUR WILSON (Evelyn Juan Manuel)	263.6	X			
	2. ADRIANNE TILLER (Idaleen Reyes)	263.6	X			X
SCHUK TOAK 185.7	1. ANTHONY J. FRANCISCO JR. (<i>Absent</i>) (Teresa F. Donahue) (<i>Present</i>)	92.85	X			
	2. QUINTIN C. LOPEZ (Agnes V. Joaquin)	92.85	X			
SAN XAVIER 232.3	1. DANIEL L.A. PRESTON III (Felicia Nunez)	116.15	X			
	2. JANICE FELIX ()	116.15	X			
SAN LUCY 231.1	1. JANA MONTANA (Diana Manuel)	115.55	X			
	2. GLORIA RAMIREZ (Lorraine Eiler)	115.55	X			
PISINEMO 225.9	1. CHESTER ANTONE (<i>Absent</i>) (Caroline D. Garcia) (<i>Present</i>)	112.95	X			
	2. MONICA K. MORGAN ()	112.95	X			
HICKIWAN 209.0	1. LOUIS R. LOPEZ (Shirley Molina)	104.5	X			
	2. SANDRA D. ORTEGA ()	104.5	X			X
GU VO 256.9	1. GRACE MANUEL ()	128.45	X			
	2. DALLAS LEWIS (Nacho Flores)	128.45	X			
GU ACHI 270.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	135.45	X			
	2. LORETTA LEWIS (Victoria Hobbs)	135.45	X			
CHUKUT KUK 337.7	1. BILLMAN LOPEZ (Patricia Antone)	168.85	X			
	2. VIVIAN JUAN-SAUNDERS (Juanita Homer)	168.85	X			
BABOQUIVARI 372.1	1. FRANCES MIGUEL (Roberta E. Harvey)	186.05	X			
	2. LEANDER MASE (Francine Schooling)	186.05	X			
TOTAL		3,084.6	3,084.6	-0-	-0-	[02]