RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving an Intergovernmental Agreement Between Maricopa County and the
Tohono O'odham Nation)

RESOLUTION NO. 15-036

WHEREAS, the Legislative Council is vested with the power to “consult, negotiate and
conclude agreements and contracts on behalf of the Tohono O'odham Nation
with Federal, State and local governments and other Indian tribes or their
departments, agencies, or political subdivisions, or with private persons or
organizations on all matters within the authority of the Tohono O'odham
Council” (Constitution of the Tohono O'odham Nation, Article VI, Section 1(f));
and

WHEREAS, in 1986, the United States Congress enacted the Gila Bend Indian Reservation
Lands Replacement Act as Pub. L. No. 99-503 (the “Replacement Act”), which
authorized the Nation to acquire new lands to replace lands damaged by the
Painted Rock Dam and required the United States to hold eligible replacement
lands in trust for the benefit of the Nation; and

WHEREAS, pursuant to Resolution No. 09-049, as amended by Resolution No. 09-397, the
Legislative Council requested that the Secretary of the Interior acquire 134.88
acres of real property (the “Settlement Property”) in trust for the benefit of the
Nation under the terms of the Replacement Act; and

WHEREAS, 53.54 acres of the Settlement Property is now National land and the remaining
81.34 acres have not yet been taken into trust by the Secretary of the Interior
under the terms of the Replacement Act; and

WHEREAS, by Resolution No. 13-446 the Legislative Council delegated to the Economic
Development Delegation authority to negotiate with Maricopa County the terms
of an agreement designed to clarify jurisdictional roles with respect to the 81.34
acres of Nation land not yet in trust, subject to Legislative Council approval of
any resulting agreement; and

WHEREAS, the Agreement requires a limited waiver of the sovereign immunity of the
Nation in favor of Maricopa county to allow the indemnification provisions of
the Agreement to be enforced in accordance with its terms; and

WHEREAS, the Commerce and Agricultural and Natural Resources Committees of the
Legislative Council have reviewed the Agreement, including the proposed
limited waiver of the sovereign immunity of the Nation, and recommend that
RESOLUTION NO. 15-036
(Approving an Intergovernmental Agreement Between Maricopa County and the Tohono O'odham Nation)
Page 2 of 3

the Nation enter into an agreement with Maricopa County on terms that are substantially the same as those set forth in the Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves and authorizes the following:

1. The Legislative Council approves the Intergovernmental Agreement with Maricopa County and authorizes the Nation's Chairman to execute the agreement in substantially the form presented to the Legislative Council.

2. The Nation hereby grants a limited waiver of the sovereign immunity from suit of the Nation in favor of Maricopa County in accordance with the attached Exhibit A.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12TH day of FEBRUARY, 2015 at a meeting at which a quorum was present with a vote of 2,946.5 FOR; 0- AGAINST; 0- NOT VOTING; and 03 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

Timothy Joaquin, Legislative Chairman

13 day of February , 2015

ATTÉST:

Evonne Wilson, Legislative Secretary

13 day of February , 2015

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 13 day of February , 2015 at 4:51 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.
RESOLUTION NO. 15-036
(Approving an Intergovernmental Agreement Between Maricopa County and the Tohono O'odham Nation)
Page 3 of 3

TOHONO O'ODHAM LEGISLATIVE COUNCIL

[Signature]
Timothy Joaquin, Legislative Chairman

[ ] APPROVED
[ ] DISAPPROVED

on the ___ day of __________, 2015
at __:__ o'clock, ___.m.

[Signature]
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the ___ day of
[Signature]
Evonne Wilson, Legislative Secretary
## RESOLUTION NO. 15-036

**ACTION:** APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN MARICOPA COUNTY AND THE TOHONO O'ODHAM NATION

**MOVED:** COUNCILMAN BILLMAN LOPEZ

**SECOND:** COUNCILWOMAN FRANCES MIGUEL

**DATE:** FEBRUARY 12, 2015

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**TOTAL:** 2,946.5  2,946.5  -0-  -0-  [03]