RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving an Amendment to an Intergovernmental Agreement and Two New Joint Project Agreements between the Tohono O'odham Nation and the State of Arizona to Implement a Highway Safety Improvement Program Project on the Tohono O'odham Nation)

RESOLUTION NO. 15-210

WHEREAS, through Resolution No. 12-438 the Tohono O'odham Legislative Council approved an Intergovernmental Agreement with the State of Arizona to allow the Arizona Department of Transportation (ADOT) to perform certain road improvements on the Nation's lands under the Federal Highway Safety Improvement Program and the High Risk Rural Roads Program for the specific purpose of achieving a significant reduction in traffic fatalities and serious injuries on the Tohono O'odham Nation roads; and

WHEREAS, the improvements will be implemented on IRR 1, IRR 16, IRR 15, IRR 19, IRR 20, IRR 21, IRR 24, IRR 29, IRR 30, IRR 34, IRR 35, and IRR 42; and

WHEREAS, the improvements will consist of upgrading 4" centerline and 6" edgeline pavement markings to thermoplastic pavement markings, installing raised pavement markers, installation of stop signs, curve warning signs, chevrons, Do Not Enter When Flooded signs with depth gauges, and guardrail end treatments on bridge transitions where appropriate; and

WHEREAS, the State of Arizona and ADOT have found a need to amend the work approved in the original agreement and adjust construction federal-aid funds for the projects safety improvements in two new Joint Project Agreements; and

WHEREAS, Arizona Department of Transportation Project No. SH56101C_03D is being amended and the two new Joint Project Agreements are designated ADOT Project No. SH642 01C and ADOT Project No. SH643 01C; and

WHEREAS, the Intergovernmental Agreement provides for dispute resolution through arbitration and enforcement of an arbitration award in court by either party; and

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

WHEREAS, the Agricultural and Natural Resources and the Budget and Finance Committees have reviewed the Intergovernmental Agreements and recommend their approval.

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

1. Approves the amendment to the Intergovernmental Agreement and the two new Joint Project Agreements between the Tohono O'odham Nation and the
State of Arizona substantially in the form attached hereto and approves a
limited waiver of the Nation's sovereign immunity to implement the dispute
resolution provisions of the Intergovernmental Agreements; and
2. Authorizes and directs the Chairperson of the Nation to execute the
Intergovernmental Agreements on behalf of the Nation, and to execute any
additional documents reasonably necessary to implement the
Intergovernmental Agreements.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 21st
day of May, 2015 at a meeting at which a quorum was present with a vote of 2,395 FOR; 0-
AGAINST; 0- NOT VOTING; and 531.9 [05] ABSENT, pursuant to the powers vested in the Council
by Article VI, Section 1(q) 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

9 day of June, 2015

ATTEST:

Evonne Wilson, Legislative Secretary

8 day of June, 2015

Said Resolution was submitted for approval to the office of the Chairman of the Tohono
O'odham Nation on the 9 day of June, 2015 at 8:49 o'clock, A.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
RESOLUTION NO. 15-210
(Approving an Amendment to an Intergovernmental Agreement and Two New Joint Project
Agreements between the Tohono O'odham Nation and the State of Arizona to Implement a Highway
Safety Improvement Program Project on the Tohono O'odham Nation)
Page 3 of 3

[ ] APPROVED
on the __ day of ____________, 2015
at __:__ o'clock, ___ m.

[ ] DISAPPROVED

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

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

______________________
Evonne Wilson, Legislative Secretary
**ACTION:** APPROVING AN AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT AND TWO NEW JOINT PROJECT AGREEMENTS BETWEEN THE TOHONO O'ODHAM NATION AND THE STATE OF ARIZONA TO IMPLEMENT A HIGHWAY SAFETY IMPROVEMENT PROGRAM PROJECT ON THE TOHONO O'ODHAM NATION

**MOVED:** COUNCILWOMAN LORETTA LEWIS

**SECOND:** COUNCILWOMAN PAMELA ANGHILL

**DATE:** MAY 21, 2015

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