

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Subrecipient Agreement between the Arizona Department of Homeland Security and the Tohono O'odham Nation and Approving the FY 2017-2018 Operation Stonegarden Grant Program – Overtime and Mileage Budget)

RESOLUTION NO. 17-138

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

9 **WHEREAS,** the Arizona Department of Homeland Security is the State Administrative
10 Agency authorized by the Governor of Arizona to serve as the "pass through"
11 agency for grant funding issued by the United States Department of Homeland
12 Security; and

13 **WHEREAS,** the Arizona Department of Homeland Security manages the United States
14 Homeland Security Grant Program for eligible Local, Tribal and State Agencies
15 within Arizona, and has awarded the Tohono O'odham Nation Award No. 160419-
16 01, titled FFY 2016 Operation Stonegarden Grant Program Award – Overtime and
17 Mileage in the amount of \$223,768.00; and

18 **WHEREAS,** the grant period runs from November 1, 2016 through December 31, 2017; and

19 **WHEREAS,** the Arizona Department of Homeland Security Grant Program does not allow for
20 recoupment of Indirect Cost; and

21 **WHEREAS,** the Subrecipient Agreement requires a limited waiver of the sovereign
22 immunity of the Nation in favor of the Arizona Department of Homeland
23 Security to allow the terms of the Subrecipient Agreement to be enforced; and

24 **WHEREAS,** the Department of Public Safety has prepared and submitted for review and
25 approval its FY 2017-2018 Department of Homeland Security Operation
26 Stonegarden Grant – Overtime and Mileage Budget which is incorporated by this
27 reference, in the amount of \$223,768.00 to be funded via reimbursement from
28 the Arizona Department of Homeland Security; and

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1 **WHEREAS, the Domestic Affairs and the Budget and Finance Committees have reviewed the**
2 **Subrecipient Agreement and the budget as attached and recommend its**
3 **approval.**

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

- 5 **1. Approves the Subrecipient Agreement No. 16-AZDOHS-OPSG-160419-01 in**
6 **the amount of \$223,768.00 from the Arizona Department of Homeland**
7 **Security under the FFY 2016 Operation Stonegarden Grant Program for**
8 **the period of November 1, 2016 through December 31, 2017.**
- 9 **2. Approves the FY 2017-2018 Operation Stonegarden Grant Program -**
10 **Overtime and Mileage Budget in the amount of \$223,768.00, which shall**
11 **be funded via reimbursement from the Arizona Department of Homeland**
12 **Security.**
- 13 **3. Agrees to waive the Indirect Cost to administer the grant.**
- 14 **4. Grants a limited waiver of the sovereign immunity of the Nation in favor**
15 **of the Arizona Department of Homeland Security in order to allow the**
16 **Subrecipient Agreement to be enforced in accordance with its terms.**

17 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the Tohono**
18 **O'odham Nation chairperson is authorized to execute the Agreement,**
19 **administer and expend, including following any cash management**
20 **requirements from the funding agency, the FY 2017-2018 Operation**
21 **Stonegarden Grant Program - Overtime and Mileage Budget provided however,**
22 **that any amendments or modifications affecting the funds or funding level shall**
23 **be submitted for further prior approval by the Tohono O'odham Legislative**
24 **Council.**

25 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 04TH**
26 **day of APRIL, 2017 at a meeting at which a quorum was present with a vote of 3,021.4 FOR; -0-**
27 **AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
28 **Article VI, Section 1(d)(3)and(f) of the Constitution of the Tohono O'odham Nation, adopted by**
29 **the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
30 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of**
31 **June 18, 1934 (48 Stat.984).**
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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin

Timothy Joaquin, Legislative Chairman
10 day of April, 2017

ATTEST:

Evonne Wilson

Evonne Wilson, Legislative Secretary
7 day of April, 2017

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 10 day of April, 2017 at 9:33 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

Timothy Joaquin, Legislative Chairman

APPROVED

on the 10 day of April, 2017

DISAPPROVED

at 3:52 o'clock, p.m.

Edward D. Manuel

EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 11 day of

April, 2017, at 3:35 o'clock, p.m.

Evonne Wilson

Evonne Wilson, Legislative Secretary

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ACTION: APPROVING SUBRECIPIENT AGREEMENT BETWEEN THE ARIZONA DEPARTMENT OF HOMELAND SECURITY AND THE TOHONO O'ODHAM NATION AND APPROVING THE FY 2017-2018 OPERATION STONEGARDEN GRANT PROGRAM – OVERTIME AND MILEAGE BUDGET

MOVED: COUNCILWOMAN ETHEL GARCIA

SECOND: COUNCILWOMAN PAMELA ANGHILL

DATE: APRIL 04, 2017

| DISTRICT | LEGISLATIVE REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|----------------------|--|----------------|----------------|------------|------------|-------------|
| BABOQUIVARI 367.2 | 1. FRANCES MIGUEL (<i>Absent</i>) (Roberta E. Harvey) (<i>Present</i>) | 183.60 | X | | | |
| | 2. VERNON J. SMITH (Gloria Zazueta) | 183.60 | X | | | |
| CHUKUT KUK 332.1 | 1. ETHEL GARCIA (Marla Kay Henry) | 166.05 | X | | | |
| | 2. BILLMAN LOPEZ (Patricia Vicenti) | 166.05 | X | | | |
| GU ACHI 265.0 | 1. TIMOTHY L. JOAQUIN (Louis L. Johnson) | 132.50 | X | | | |
| | 2. LORETTA LEWIS () | 132.50 | X | | | X |
| GU VO 250.6 | 1. GRACE MANUEL (Dallas Lewis) | 125.30 | X | | | |
| | 2. PAMELA ANGHILL (Jeffery Antone, Sr.) | 125.30 | X | | | |
| HICKIWAN 205.8 | 1. LOUIS R. LOPEZ (Shirley Molina) | 102.90 | X | | | X |
| | 2. SANDRA ORTEGA () | 102.90 | X | | | |
| PISINEMO 219.9 | 1. CHESTER ANTONE (<i>Absent</i>) (Caroline D. Garcia) (<i>Present</i>) | 109.95 | X | | | |
| | 2. MONICA K. MORGAN () | 109.95 | X | | | |
| SAN LUCY 226.5 | 1. DIANA MANUEL (<i>Absent</i>) (Lorraine Eiler) (<i>Present</i>) | 113.25 | X | | | |
| | 2. JANA MONTANA (Gloria Ramirez) | 113.25 | X | | | |
| SAN XAVIER 228.6 | 1. DANIEL L.A. PRESTON III (Felicia Nunez) | 114.3 | X | | | |
| | 2. RACHEAL VILSON-STONER (Olivia Villegas-Liston) | 114.3 | X | | | |
| SCHUK TOAK 180.6 | 1. ANTHONY J. FRANCISCO JR. () | 90.3 | X | | | |
| | 2. QUINTIN C. LOPEZ (John Fendenheim) | 90.3 | X | | | |
| SELLS 513.5 | 1. ARTHUR WILSON (Beverly Rivas) | 256.75 | X | | | X |
| | 2. BARBARA HAVIER (Idaleen Reyes) | 256.75 | X | | | |
| SIF OIDAK 231.6 | 1. LUCINDA ALLEN () | 115.80 | X | | | |
| | 2. MARY LOPEZ () | 115.80 | X | | | |
| TOTAL | | 3,021.4 | 3,021.4 | -0- | -0- | [03] |