

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving FY 2019 Valley Emergency Communications Center Subscriber Services
Agreement Between the Tohono O'odham Nation and Drexel Heights Fire District)

RESOLUTION NO. 18-399

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,** the Tohono O'odham Nation entered an Emergency Dispatch Services Agreement
8 with the Drexel Heights Fire District on or about August 16, 2002, which has been
9 extended annually; and
10 **WHEREAS,** the Drexel Heights Fire District is now the Managing Administrative Principal of
11 the Valley Emergency Communications Center; and
12 **WHEREAS,** under the Subscriber Services Agreement, the Valley Emergency
13 Communications Center will provide emergency dispatch services to the Tohono
14 O'odham Nation Fire Department for the Nation's San Xavier District at a cost of
15 \$7,893.75 per quarter; and
16 **WHEREAS,** the parties have agreed to execute the Subscriber Services Agreement; and
17 **WHEREAS,** the Subscriber Services Agreement requires a limited waiver of the sovereign
18 immunity of the Nation in favor of Valley Emergency Communications Center to
19 allow the Subscriber Services Agreement to be enforced in accordance with its
20 terms; and
21 **WHEREAS,** pursuant to 26 Tohono O'odham Code Chapter 1, Article 4 – Contracting and
22 Procurement Authority, the Nation's Chairperson is the designated signatory and
23 official representative of the Nation on all contracts and agreements; and
24 **WHEREAS,** Domestic Affairs Committee have reviewed the terms of the Subscriber Services
25 Agreement, including the limited waiver of sovereign immunity, and recommend
26 its approval.
27 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council (1) approves
28 the Valley Emergency Communications Center Subscriber Services Agreement in
29 substantially the form attached, and (2) grants a limited waiver of the sovereign
30 immunity of the Nation from suit or action solely in favor of Valley Emergency
31 Communications Center on the terms set forth in the Subscriber Services
32 Agreement; provided that the Nation expressly preserves its sovereign immunity
33 for any suit or action for the Nation's application of Indian or tribal preference.

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1 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 26TH
2 day of SEPTEMBER, 2018 at a meeting at which a quorum was present with a vote of 3,084.6 FOR;
3 -0- AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by
4 Article VI, Section 1(f) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono
5 O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -
6 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934
7 (48 Stat.984).
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TOHONO O'ODHAM LEGISLATIVE COUNCIL

10
11 Timothy C. Joaquin for
12 Timothy Joaquin, Legislative Chairman
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14 26 day of September, 2018
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18 ATTEST:

19 Evonne Wilson
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21 Evonne Wilson, Legislative Secretary

22 24 day of September, 2018
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25 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
26 O'odham Nation on the 26 day of September, 2018 at 4:37 o'clock, P.m.,
27 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
28 effective upon his approval or upon his failure to either approve or disapprove it within 48
29 hours of submittal.
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TOHONO O'ODHAM LEGISLATIVE COUNCIL

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32 Timothy C. Joaquin for
33 Timothy Joaquin, Legislative Chairman
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40 APPROVED

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42 DISAPPROVED

on the 26 day of September, 2018
at 6:34 o'clock, P.m.

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44 Edward D. Manuel
45 EDWARD D. MANUEL, CHAIRMAN
46 TOHONO O'ODHAM NATION
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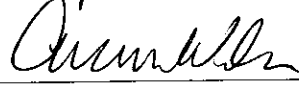
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**(Approving FY 2019 Valley Emergency Communications Center Subscriber Services Agreement
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Returned to the Legislative Secretary on the 27 day of
September, 2018, at 9:00 o'clock, a .m.



Evonne Wilson, Legislative Secretary

ACTION: APPROVING FY 2019 VALLEY EMERGENCY COMMUNICATIONS CENTER SUBSCRIBER SERVICES AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION AND DREXEL HEIGHTS FIRE DISTRICT

Moved: COUNCILMAN DANIEL L.A. PRESTON III

Second: COUNCILWOMAN JANICE FELIX

DATE: SEPTEMBER 26, 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 ()	263.6	X			
SCHUK TOAK 185.7	1. ANTHONY J. FRANCISCO JR. <i>(Absent)</i> (Teresa F. Donahue) <i>(Present)</i>	92.85	X			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 <i>(Absent)</i> (Diana Manuel) <i>(Present)</i>	115.55	X			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 <i>(Absent)</i> (Louis L. Johnson) <i>(Present)</i>	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 <i>(Absent)</i> (Juanita Homer) <i>(Present)</i>	168.85	X			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-	[04]