

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Accepting and Authorizing Expenditure of a \$6,760,181.00 United States Department
of Justice Grant to Construct a Joint Correctional Facility as a Multi-Year Capital
Project)

RESOLUTION NO. 03-031

1 **WHEREAS, the Legislative Council is empowered by Article VI, Section 1(c)(1) and (c)(2) of the**
2 **Constitution of the Tohono O'odham Nation to govern the conduct of members of the**
3 **Tohono O'odham Nation and other persons within its jurisdiction; and to promote,**
4 **protect and provide for public health, peace, morals, education and general welfare**
5 **of the Tohono O'odham Nation and its members; and**

6 **WHEREAS, the present Bureau of Indian Affairs adult corrections facility on the Nation was**
7 **originally constructed to house thirty-four inmates, but now has an inadequate**
8 **capacity and contains no available space for expansion to develop educational or**
9 **treatment programs for inmates; and**

10 **WHEREAS, the present juvenile corrections facility is also overcrowded and is in need of**
11 **rehabilitation program space to treat youthful drug- and alcohol-related offenders;**
12 **and**

13 **WHEREAS, in response to these issues, a partnership between the Judicial Branch and the Tohono**
14 **O'odham Police Department was formed for the purpose of developing and**
15 **constructing an Adult and Juvenile Joint Correctional Facility ("Joint Correctional**
16 **Facility") to house both adults and juveniles; and**

17 **WHEREAS, a technical committee comprising the Judicial Branch, Police Department, Office of**
18 **the Attorney General and the Nation's Planning Department was also formed to**
19 **conduct research and planning necessary to fund and construct the Joint Correctional**
20 **Facility; and**

21 **WHEREAS, the technical committee has proposed the Joint Correctional Facility be constructed**
22 **in Phases, with an application for Phase I to be submitted; and**

23 **WHEREAS, in accordance with Resolution 99-059, the Council authorized the Executive Branch**
24 **to submit a grant fund application to the United States Department of Justice ("DOJ")**
25 **to construct a Joint Correctional Facility; and**

26 **WHEREAS, the Executive Branch by letter to the United States Attorney General approved the**
27 **submission of the grant application to the DOJ for the construction of the Joint**
28 **Correctional Facility; and**

29 **WHEREAS, the Judicial Branch and Tohono O'odham Police Department partnership has applied**
30 **for and was awarded a grant for Phase I in the amount of \$6,760,181.00 from the DOJ,**

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1 Office of Justice Programs, for construction of the Joint Correctional Facility, pending
2 acceptance by the Tohono O'odham Legislative Council and subject to all DOJ
3 administrative and financial requirements; and

4 **WHEREAS, the Nation, pursuant to grant requirements, must contribute a minimum of 10% of**
5 **the project costs or \$751,133.00 in in-kind contribution toward construction of the**
6 **Joint Correctional Facility; and**

7 **WHEREAS, the Nation's in-kind contribution shall consist of the following: use of a 35-acre parcel**
8 **located in the Gu Achi District valued at \$79,932.00; installation of water facilities**
9 **infrastructure by the Indian Health Services at a value of \$592,743.00; personnel wages**
10 **of \$52,800.00 and ERE of \$15,840 totaling \$68,640.00; and indirect costs of \$9,816.00;**
11 **and**

12 **WHEREAS, the DOJ, in awarding the grant, awarded the project funds for a period not to exceed**
13 **forty-eight months and provided a disbursement budget by categories ("Disbursement**
14 **Budget") as noted in the attached September 30, 2002 award notice and letter from**
15 **Office of Justice Programs Comptroller Cynthia J. Schwimer to Chairman Edward D.**
16 **Mannuel Regarding Grant Number 2002-IP-BX-0003; and**

17 **WHEREAS, the Disbursement Budget has been placed in tribal format and designated the**
18 **Correctional Facility on Tribal Land Grant Budget ("Correctional Facility Budget"), and**
19 **is before the Tohono O'odham Legislative Council for its approval; and**

20 **WHEREAS, these funds will be used to develop, design and construct the Joint Correctional**
21 **Facility; and**

22 **WHEREAS, the Domestic Affairs, Judiciary, and Budget and Finance Committees have been**
23 **provided and reviewed a Tribal Correctional Facility Grant packet; and**

24 **WHEREAS, the Legislative Council supports the goal of providing treatment and healing**
25 **programs for those who are serving a jail sentence; and**

26 **WHEREAS, the Legislative Council further supports the continuing effort to jointly plan,**
27 **design, implement, construct and operate a modern Joint Correctional Facility**
28 **capable of appropriately serving the unique needs of both juveniles and adults and the**
29 **effort to reduce facility's cost by sharing support facilities and infrastructure; and**

30 **WHEREAS, pursuant to Resolution No. 99-059, the Legislative Council must approve the receipt**
31 **and expenditure of these grant funds.**

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1 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby approves**
2 **the receipt of the United States Department of Justice \$6,760,181.00 Correctional**
3 **Facility on Tribal Land Grant.**

4 **BE IT FURTHER RESOLVED that the Legislative Council hereby approves the attached**
5 **Disbursement Budget and Correctional Facility Budget, both of which include the 10%**
6 **in-kind contribution of \$751,133.00. The in-kind contribution when combined with**
7 **the United States Department of Justice Correctional Facility on Tribal Land Grant**
8 **provides a total project cost of \$7,511,314.00.**

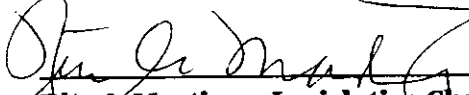
9 **BE IT FURTHER RESOLVED that the Nation may, as needed, request to adjust the award amount**
10 **through the Department of Justice not to exceed the original grant award amount and**
11 **each request to adjust the award shall be reviewed for consistency with the project's**
12 **goals and objectives.**

13 **BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that the Chairman is**
14 **authorized to accept, negotiate, and execute any documentation associated with**
15 **exercising the acceptance and implementation of the Correctional Facilities on Tribal**
16 **Lands Discretionary Grant Program.**

17 **BE IT FINALLY RESOLVED that the grant and respective budgets are designated as a multi-year**
18 **capital project not to exceed forty-eight months unless otherwise amended and**
19 **approved by the U.S. Department of Justice and the Tohono O'odham Legislative**
20 **Council and the Executive Branch, in association with the Judicial Branch, are**
21 **authorized to implement the project according to the provisions of governmental**
22 **GAAP.**

23 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10TH. Day**
24 **of JANUARY, 2003 at a meeting at which a quorum was present with a vote of 2,417.5 FOR; -0-**
25 **AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by**
26 **Section 1 (c)(1), (c)(2), (d)(2) & (d)(3) of Article VI of the Constitution of the Tohono O'Odham Nation,**
27 **adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy**
28 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act**
29 **of June 18, 1934 (48 Stat. 984).**

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31 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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33 _____
34 **Rita A. Martinez, Legislative Chairwoman**

35 13th day of January, 20 03
36

RESOLUTION NO. 03-031

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1 ATTEST:

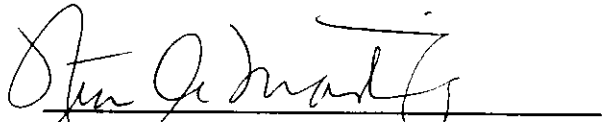
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5 Julianna Saraficio, Acting Legislative Secretary

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7 09 day of January, 20 03.

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10 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham
11 Nation on the 13th day of January, 20 03 at 12:23 o'clock, P.M.,
12 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
13 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
14 submittal.

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16 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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20 Rita A. Martinez, Legislative Chairwoman

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25 APPROVED

on the 14 day of January, 20 03


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27 DISAPPROVED

at 3:42 o'clock, P.M.

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31 EDWARD D. MANUEL, Chairman
32 TOHONO O'ODHAM NATION

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37 Returned to the Legislative Secretary on the 14 day of

38
39 January, 20 03, at 4:30 o'clock, P.M.

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42 
43 Julianna Saraficio, Acting Legislative Secretary

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ACTION: ACCEPTING AND AUTHORIZING EXPENDITURE OF A \$6,760,181.00 UNITED STATES DEPARTMENT OF JUSTICE GRANT TO CONSTRUCT A JOINT CORRECTIONAL FACILITY AS A MULTI-YEAR CAPITAL PROJECT

MOVED: VICE CHAIRMAN CAMILLUS LOPEZ

SECOND: COUNCILMAN ISIDRO LOPEZ

DATE: JANUARY 09, 2003

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 317.7	1. FRANCES MIGUEL ()	158.85	X			
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			
CHUKUT KUK 248.1	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			X
	2. DAVID GARCIA (Mary Audrey Juan)	124.05	X			
GU ACHI 230.7	1. CAMILLUS LOPEZ ()	115.35	X			
	2. JEROME JOAQUIN ()	115.35	X			
GU VO 188.3	1. FERN SALCIDO ()	94.15	X			
	2. EMILIO LEWIS (Michael Flores)	94.15	X			
HICKIWAN 167.3	1. SHIRLEY MOLINA ()	83.65	X			
	2. SANDRA ORTEGA ()	83.65	X			
PISINEMO 174.7	1. BARBARA SALVICIO (Alex Antone)	87.35	X			
	2. PATRICIA CRUZ (Johnson Jose)	87.35	X			
SAN LUCY 160.7	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35	X			
	2. GLORIA RAMIREZ** ()	80.35	X			
SAN XAVIER 184.7	1. FELICIA NUÑEZ ()	92.35	X			
	2. DENNIS RAMON ()	92.35	X			
SCHUK TOAK 144.5	1. MARY FLORES ()	72.25	X			
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25	X			X
SELLS 416.1	1. DENNIS E. JOSE ()	208.05	X			
	2. EVELYN JUAN ()	208.05	X			
SIF OIDAK 184.7	1. ISIDRO LOPEZ ()	92.35	X			
	2. RITA MARTINEZ (Nicholas Jose)	92.35	X			
TOTAL		2,417.5	2,417.5	-0-	-0-	[02]

**PASSED VOTES