

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
**(Authorizing a Construction Contract for the Construction of Early Childhood/
Headstart Facilities)**

RESOLUTION NO. 03-216

1 **WHEREAS, pursuant to Resolution No. 2000-201, the Legislative Council approved an**
2 **appropriation for the renovation and construction of Early Childhood/Headstart**
3 **Centers (the "Centers") and authorized the Chairman of the Nation to negotiate and**
4 **execute contracts for construction of the Centers; and**

5 **WHEREAS, the Nation's Department of Education and the Office of Special Projects recommend**
6 **construction of three new Centers in Pisinemo, Santa Rosa and Vaya Chin under a**
7 **proposed contract (the "Contract") substantially in the form attached hereto; and**

8 **WHEREAS, it is in the interests of the Nation for the Centers to be constructed under the terms of**
9 **the Contract; and**

10 **WHEREAS, the Contract provides certain remedies to the Nation and the contractor for breach of**
11 **the Contract; and**

12 **WHEREAS, the remedies available to the contractor against the Nation constitute a limited waiver**
13 **of sovereign immunity by the Nation; and**

14 **WHEREAS, the Health and Human Services Committee recommends approval of the Contract.**

15 **NOW, THEREFORE, BE IT RESOLVED THAT:**

- 16 **1. The Tohono O'odham Legislative Council approves the Contract substantially in**
17 **the form attached hereto.**
- 18 **2. The Legislative Council grants a limited waiver of sovereign immunity for the**
19 **remedies provided in the Contract which extend to proven sums owed by the**
20 **Nation to the Contractor.**

21 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07TH Day**
22 **of MAY, 2003 at a meeting at which a quorum was present with a vote of 2,001.4 FOR; 416.1 AGAINST;**
23 **-0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Section 1 (d)(2)**
24 **& (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**
25 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
26 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
27 **Stat. 984).**

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Rita A. Martinez, Legislative Chairwoman

12th day of May, 2003

RESOLUTION NO. 03-216

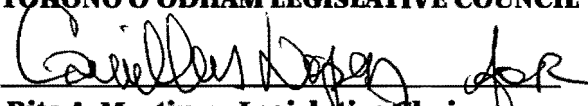
(Authorizing a Construction Contract for the Construction of Early Childhood/Headstart Facilities)
Page 2 of 2

1 **ATTEST:**

2 
3 _____
4 **Julianna Saraficio, Acting Legislative Secretary**

5 07th day of May, 20 03.

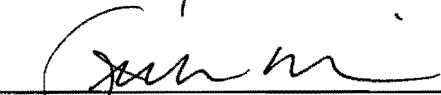
8 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham
9 Nation on the 12th day of May, 20 03 at 10:20 o'clock, A.M.,
10 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
11 upon his approval or upon his failure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

14 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**
15 
16 _____
17 **Rita A. Martinez, Legislative Chairwoman**

22 **APPROVED** on the 12 day of May, 20 03
23
24 **DISAPPROVED** at 12:50 o'clock, P.M.

27 
28 _____
29 **EDWARD D. MANUEL, Chairman**
30 **TOHONO O'ODHAM NATION**

34 Returned to the Legislative Secretary on the 14th day of
35 May, 20 03, at 8:47 o'clock, A.M.

38 
39 _____
40 **Julianna Saraficio, Acting Legislative Secretary**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

ACTION: AUTHORIZING A CONSTRUCTION CONTRACT FOR THE CONSTRUCTION OF EARLY CHILDHOOD/
HEADSTART FACILITIES

MOVED: COUNCILMAN DAVID GARCIA

SECOND: VICE CHAIRMAN CAMILLUS LOPEZ

DATE: MAY 07, 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			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			
SELLS 416.1	1. DENNIS E. JOSE ()	208.05		X		
	2. EVELYN JUAN ()	208.05		X		
SIF OIDAK 184.7	1. ISIDRO LOPEZ (Nicholas Jose)	92.35	X			
	2. RITA MARTINEZ ()	92.35	X			
TOTAL		2,417.5	2,001.4	416.1	-0-	[02]

**PASSED VOTES