

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Limited Waiver of Immunity in Construction Contract for
Recreation Centers)

RESOLUTION NO. 03-361

1 **WHEREAS, pursuant to Initiative No. IN-01-97, the Tohono O'odham Legislative Council set aside**
2 **\$30 million for the construction and operation of five Recreation Centers; and**

3 **WHEREAS, a Construction Contract (8/7/03 Draft) has been prepared for the construction of**
4 **Recreation Centers in the Gu Vo, HICKIWAN and Pisinemo Districts, a copy of which is**
5 **attached hereto; and**

6 **WHEREAS, the Construction Contract provides certain remedies to the Nation and the**
7 **Contractor for breach of the Contract and other claims; and**

8 **WHEREAS, the remedies available to the Contractor are only enforceable upon approval by the**
9 **Legislative Council of a limited waiver of the sovereign immunity of the Nation; and**

10 **WHEREAS, the Commerce Committee recommends approval by the Legislative Council of a**
11 **limited waiver of sovereign immunity.**

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

- 13 **1. The Tohono O'odham Legislative Council hereby grants a limited waiver of**
14 **sovereign immunity for the remedies provided in the Construction Contract**
15 **which extend to proven sums owed by the Nation to the Contractor.**
- 16 **2. The limited waiver of sovereign immunity shall be effective upon the date the**
17 **Nation and the Contractor execute the Construction Contract in substantially the**
18 **form attached hereto.**

19
20 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH Day**
21 **of AUGUST, 2003 at a meeting at which a quorum was present with a vote of 1,663.15 FOR; 751.7**
22 **AGAINST; 214.85 NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by**
23 **Section 1 (d)(2) and (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by**
24 **the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
25 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
26 **18, 1934 (48 Stat. 984).**

TOHONO O'ODHAM LEGISLATIVE COUNCIL

for 
Dennis Ramon, Chairman

17th day of *August*, 20 *03*

RESOLUTION NO. 03-361

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1 ATTEST:

2 
3 _____
4 Julianna Saraficio, Acting Legislative Secretary

5 08th day of August, 20 03.

8
9 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham
10 Nation on the 11th day of August, 20 03 at 10:43 o'clock, A.M.,
11 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
12 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
13 submittal.

14
15 TOHONO O'ODHAM LEGISLATIVE COUNCIL

16
17 
18 _____
19 for Dennis Ramon, Chairman

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24 APPROVED

on the 13 day of August, 20 03

25
26 DISAPPROVED

at 4:35 o'clock, P.M.

27
28
29 EXCEEDED 48 HOURS

30 
31 _____
32 VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
33 TOHONO O'ODHAM NATION

34
35
36 Returned to the Legislative Secretary on the 13th day of

37 August, 20 03, at 4:51 o'clock, P.M.

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41 _____
42 Julianna Saraficio, Acting Legislative Secretary

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ACTION: APPROVING LIMITED WAIVER OF IMMUNITY IN CONSTRUCTION CONTRACT FOR RECREATION CENTERS

MOVED: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILMAN DENNIS JOSE

DATE: AUGUST 08, 2003

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 192.6	1. ISIDRO LOPEZ (Nicholas Jose)	96.30		X		
	2. DARLENE ANDREW (Rita Martinez)	96.30		X		
SELLS 465.6	1. DENNIS E. JOSE ()	232.80	X			
	2. EVELYN JUAN ** ()	232.80	X			
SCHUK TOAK 176.1	1. FRANCES B. CONDE ()	88.05	X			
	2. PHYLLIS JUAN ()	88.05			X	
SAN XAVIER 215.4	1. FELICIA NUÑEZ ()	107.70	X			
	2. DENNIS RAMON ()	107.70	X			
SAN LUCY 166.3	1. JOHN W. LAWSON, SR. ()	83.15		X		
	2. GLORIA RAMIREZ ** ()	83.15		X		
PISINEMO 175.4	1. BARBARA SALVICIO ()	87.70	X			
	2. PATRICIA CRUZ ()	87.70	X			
HICKIWAN 170.3	1. DELMA GARCIA (Mary E. Sam)	85.15		X		
	2. SANDRA ORTEGA ()	85.15		X		X
GU VO 191.4	1. RAYMOND VICTOR ()	95.70	X			
	2. MICHAEL FLORES ()	95.70		X		
GU ACHI 253.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80			X	
	2. JEROME JOAQUIN ()	126.80		X		
CHUKUT KUK 258.9	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X			
	2. VERLON M. JOSE (David Garcia)	129.45	X			
BABOQUIVARI 364.1	1. FRANCES MIGUEL (Lucilda Norris-Valenzula)	182.05	X			
	2. FRANCES G. ANTONE ()	182.05	X			
TOTAL		2,629.7	1,663.15	751.7	214.85	[02]

**PASSED VOTES