

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving Limited Waiver of Immunity in Architectural Services Agreement)**

**RESOLUTION NO. 03-410**

1 **WHEREAS, the Tohono O'odham Nation was awarded a grant by the United States Department**  
2 **of Justice in the amount of \$6,760,181 (the "Grant") to design and construct an Adult**  
3 **and Juvenile Joint Correctional Facility (the "Joint Correctional Facility"); and**

4 **WHEREAS, pursuant to Resolution 03-031, the Tohono O'odham Legislative Council accepted the**  
5 **Grant and authorized expenditure of the Grant amount as a multi-year capital**  
6 **project; and**

7 **WHEREAS, an Architectural Services Agreement (9/4/03 Draft) has been prepared for the design**  
8 **and construction administration required to construct the Joint Correctional Facility**  
9 **(the "Agreement"), a copy of which is attached hereto; and**

10 **WHEREAS, the Agreement requires the Architect to design the Joint Correctional Facility within**  
11 **a construction budget of \$3,600,000; and**

12 **WHEREAS, the Agreement provides certain remedies to the Nation and the Architect for**  
13 **termination of the Agreement or other claims asserted by either party; and**

14 **WHEREAS, remedies available to the Architect are only enforceable upon approval by the**  
15 **Legislative Council of a limited waiver of sovereign immunity; and**

16 **WHEREAS, the Domestic Affairs and Judiciary Committees recommend approval of this**  
17 **Resolution by the Legislative Council.**

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

- 19 **1. The Tohono O'odham Legislative Council hereby grants a limited waiver of**  
20 **sovereign immunity for the remedies provided in the Architectural Services**  
21 **Agreement.**
- 22 **2. The limited waiver of sovereign immunity shall be effective on the date the Nation**  
23 **and the Architect execute the Agreement in substantially the form attached**  
24 **hereto.**

25 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12<sup>TH</sup> Day**  
26 **of SEPTEMBER, 2003 at a meeting at which a quorum was present with a vote of 2,544.55 FOR; 85.15**  
27 **AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by**  
28 **Section 1 (d)(2) & (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the**  
29 **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 June**  
31 **18, 1934 (48 Stat. 984).**  
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TOHONO O'ODHAM LEGISLATIVE COUNCIL

*Dennis Ramon*  
for **Dennis Ramon, Chairman**

17<sup>th</sup> day of September, 2003

ATTEST:

*Vivian Hedrington*  
**Vivian Hedrington, Legislative Secretary**

12<sup>th</sup> day of September, 2003.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 17<sup>th</sup> day of September, 2003 at 1:49 o'clock, P..M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

*Dennis Ramon*  
for **Dennis Ramon, Chairman**

APPROVED on the 18<sup>th</sup> day of September, 2003

DISAPPROVED at 3:31 o'clock, P..M.

*Vivian Juan Saunders*  
**VIVIAN JUAN SAUNDERS, CHAIRWOMAN**  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 18<sup>th</sup> day of September, 2003, at 4:20 o'clock, P..M.

*Vivian Hedrington*  
**Vivian Hedrington, Legislative Secretary**

ACTION: APPROVING LIMITED WAIVER OF IMMUNITY IN ARCHITECTURAL SERVICES AGREEMENT

MOVED: COUNCILWOMAN FRANCES ANTONE

SECOND: COUNCILMAN ISIDRO LOPEZ

DATE: SEPTEMBER 12, 2003

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF Oidak</b> 192.6	1. ISIDRO LOPEZ (Nicholas Jose)	96.30	X			
	2. DARLENE ANDREW (Rita Martinez)	96.30	X			X
<b>SELLS</b> 465.6	1. DENNIS E. JOSE ( )	232.80	X			
	2. EVELYN JUAN ( )	232.80	X			
<b>SCHUK TOAK</b> 176.1	1. FRANCES B. CONDE ( )	88.05	X			
	2. PHYLLIS JUAN ( )	88.05	X			
<b>SAN XAVIER</b> 215.4	1. FELICIA NUÑEZ ( )	107.70	X			
	2. DENNIS RAMON ( )	107.70	X			
<b>SAN LUCY</b> 166.3	1. JOHN W. LAWSON, SR. ( )	83.15	X			
	2. GLORIA RAMIREZ ( )	83.15	X			
<b>PISINEMO</b> 175.4	1. BARBARA SALVICIO ( )	87.70	X			
	2. PATRICIA CRUZ ( )	87.70	X			
<b>HICKIWAN</b> 170.3	1. DELMA GARCIA (Mary E. Sam)	85.15		X		
	2. SANDRA ORTEGA ( )	85.15	X			
<b>GU VO</b> 191.4	1. RAYMOND VICTOR ( )	95.70	X			
	2. MICHAEL FLORES ( )	95.70	X			
<b>GU ACHI</b> 253.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
	2. JEROME JOAQUIN ( )	126.80	X			
<b>CHUKUT KUK</b> 258.9	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X			X
	2. VERLON M. JOSE (David Garcia)	129.45	X			
<b>BABOQUIVARI</b> 364.1	1. FRANCES MIGUEL ( Lucilda Norris-Valenzula )	182.05	X			
	2. FRANCES G. ANTONE ( )	182.05	X			
<b>TOTAL</b>		<b>2,629.7</b>	<b>2,544.55</b>	<b>85.15</b>	<b>-0-</b>	<b>[02]</b>

\*\*PASSED VOTES