

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

RESOLUTION NO. 04-037

1 WHEREAS, pursuant to Resolution No. 2000-275, the Tohono O'odham Legislative Council  
2 appropriated \$15,191,080 for the design, construction, staffing and operation of the  
3 Cultural Center/Museum (the "Project"); and

4 WHEREAS, an Architect Agreement (1/29/04 Draft) has been prepared for the design and  
5 construction administration of the Project within a construction budget of  
6 \$7,100,000 (the "Agreement"), a copy of which is attached hereto; and

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

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

11 WHEREAS, the Cultural Preservation, Domestic Affairs, and Budget & Finance Committees  
12 recommend approval of this Resolution by the Legislative Council.

13 NOW, THEREFORE, BE IT RESOLVED THAT:

- 14 1. The Tohono O'odham Legislative Council hereby grants a limited waiver of  
15 sovereign immunity with respect to claims and remedies of the Architect on the  
16 conditions prescribed in subparagraph 24.2 of the Agreement.
- 17 2. The limited waiver of sovereign immunity shall be effective on the date the  
18 Nation and the Architect execute the Agreement in substantially the form  
19 attached hereto.

20 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11<sup>TH</sup> Day  
21 of FEBRUARY, 2004 at a meeting at which a quorum was present with a vote of 2,196.8 FOR; 432.9  
22 AGAINST; -0- NOT VOTING; and [01] 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



Dennis Ramon, Legislative Chairman

17<sup>th</sup> day of February, 2004

1 ATTEST:

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4 *Vivian Hedrington*  
5 Vivian Hedrington, Legislative Secretary

6  
7 11<sup>th</sup> day of February, 2004.

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9 Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono  
10 O'odham Nation on the 17<sup>th</sup> day of February, 2004 at 4:34 o'clock,  
11 P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become  
12 effective upon her approval or upon her failure to either approve or disapprove it within 48 hours  
13 of submittal.

14  
15 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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17 *Dennis Ramon*  
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19 Dennis Ramon, Legislative Chairman

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24  APPROVED

on the 19 day of February, 2004

25  
26  DISAPPROVED

at 12:12 o'clock, P.M.

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29 *Vivian Juan-Saunders*  
30 VIVIAN JUAN-SAUNDERS, CHAIRWOMAN  
31 TOHONO O'ODHAM NATION

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36 Returned to the Legislative Secretary on the 19<sup>th</sup> day of

37  
38 February, 2004, at 12:53 o'clock, P.M.

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41 *Vivian Hedrington*  
42 Vivian Hedrington, Legislative Secretary

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ACTION: APPROVING LIMITED WAIVER OF IMMUNITY IN ARCHITECT AGREEMENT

MOVED: COUNCILMAN TIMOTHY JOAQUIN

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: FEBRUARY 11, 2004

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF OIDAK</b> <b>192.6</b>	1. ISIDRO LOPEZ (absent) (Nicholas Jose) (present)	96.30	X			
	2. DARLENE ANDREW (Rita Martinez)	96.30		X		
<b>SELLS</b> <b>465.6</b>	1. DENNIS E. JOSE ( )	232.80	X			
	2. EVELYN JUAN ( )	232.80	X			
<b>SCHUK TOAK</b> <b>176.1</b>	1. FRANCES B. CONDE ( )	88.05	X			
	2. PHYLLIS JUAN ( )	88.05	X			
<b>SAN XAVIER</b> <b>215.4</b>	1. FELICIA NUÑEZ (absent) (Olivia Liston) (present)	107.70	X			
	2. DENNIS RAMON (Eleanor Hunter)	107.70	X			
<b>SAN LUCY</b> <b>166.3</b>	1. JOHN W. LAWSON, SR. ( )	83.15		X		X
	2. GLORIA RAMIREZ ( )	83.15		X		
<b>PISINEMO</b> <b>175.4</b>	1. BARBARA SALVICIO ( )	87.70	X			
	2. PATRICIA CRUZ ( )	87.70	X			
<b>HICKIWAN</b> <b>170.3</b>	1. DELMA GARCIA (Mary E. Sam)	85.15		X		
	2. SANDRA ORTEGA ( )	85.15		X		
<b>GU VO</b> <b>191.4</b>	1. RAYMOND VICTOR ( )	95.70	X			
	2. MICHAEL FLORES (Willard Manuel)	95.70	X			
<b>GU ACHI</b> <b>253.6</b>	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
	2. JEROME JOAQUIN(absent) (Roberta Picard) (present)	126.80	X			
<b>CHUKUT KUK</b> <b>258.9</b>	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X			
	2. VERLON M. JOSE (David Garcia)	129.45	X			
<b>BABOQUIVARI</b> <b>364.1</b>	1. FRANCES MIGUEL ( Lucilda Norris-Valenzuela )	182.05	X			
	2. FRANCES G. ANTONE ( )	182.05	X			
<b>TOTAL</b>		<b>2,629.7</b>	<b>2,196.8</b>	<b>432.9</b>	<b>-0-</b>	<b>[01]</b>

\*\*PASSED VOTES