

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Grant Agreement with the Arizona Oversight Council on DUI Abatement)

RESOLUTION NO. 05-100

1 **WHEREAS, the Arizona Oversight Council on Driving or Operating Under the Influence**
2 **Abatement (the "Arizona DUI Abatement Council") seeks to increase highway safety**
3 **by reducing the incidence of driving under the influence of alcoholic beverages on**
4 **Arizona highways; and**

5 **WHEREAS, the Arizona DUI Abatement Council has offered a \$12,050 grant to the Tohono**
6 **O'odham Police Department for use in purchasing Intoxylizers and PBTs; and**

7 **WHEREAS, it is in the best interests of the Tohono O'odham Nation to receive the grant so that the**
8 **Tohono O'odham Police Department will be better equipped to promote highway**
9 **safety by preventing occurrences of driving under the influence; and**

10 **WHEREAS, the grant agreement provides that the funds may be used for purchase of equipment**
11 **and operating expenses, but not for travel; and**

12 **WHEREAS, the grant agreement further provides that the funds may not be used for indirect**
13 **costs; and**

14 **WHEREAS, the grant agreement further provides that the funds will be advanced to the Tohono**
15 **O'odham Nation, and that the Nation agrees to remit all unexpended funds back to**
16 **the Arizona DUI Abatement Council within 45 days after written request by the**
17 **Council; and**

18 **WHEREAS, the form of the grant agreement provided by the Arizona DUI Abatement Council**
19 **omitted any statement preserving the sovereign immunity of the Tohono O'odham**
20 **Nation, and the Office of Attorney General has added the statement, "Nothing in this**
21 **agreement shall be construed as an express or implied waiver of the sovereign**
22 **immunity of either party in any forum or jurisdiction"; and**

23 **WHEREAS, the Domestic Affairs Committee has reviewed the grant agreement and recommends**
24 **approval by the Legislative Council.**

25 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby:**

- 26 **1. Approves the Oversight Council on Driving or Operating Under the Influence**
27 **Abatement Grant Agreement in the amount of \$12,050, substantially in the form**
28 **attached hereto, on the condition that the Arizona DUI Abatement Council agree**

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to add the statement, "Nothing in this agreement shall be construed as an express or implied waiver of the sovereign immunity of either party in any forum or jurisdiction" as paragraph 36 of the agreement;

2. Authorizes the Vice-Chairman of the Nation to execute the agreement, and authorizes the Tohono O'odham Police Department to expend the funds in accordance with the terms of the agreement; and
3. Acknowledges that the funds cannot be used for indirect costs.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 14TH Day of FEBRUARY, 2005 at a meeting at which a quorum was present with a vote of 2,629.7 FOR; -0- AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Section 1 (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Isidro Lopez, Legislative Chairman

17th day of February, 2005

ATTEST:



Lucille Lopez, Acting Legislative Secretary

17th day of February, 2005.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 17th day of February, 2005 at 11:33 o'clock, A.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



Isidro Lopez, Legislative Chairman

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APPROVED

on the 17th day of February, 2005

DISAPPROVED

at 2:08 o'clock, p.M.

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

Returned to the Legislative Secretary on the 17th day of

February, 2005, at 3:08 o'clock, P.M.

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING GRANT AGREEMENT WITH THE ARIZONA OVERSIGHT COUNCIL ON DUI ABATEMENT

MOVED: COUNCILWOMAN GLORIA RAMIREZ

SECOND: COUNCILMAN EVELYN JUAN

DATE: FEBRUARY 14, 2005

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			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 (Olivia Liston-Villegas)	107.70	X			
	2. DENNIS RAMON (<i>Absent</i>) (Eleanor Hunter) (<i>Present</i>)	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			
GU VO 191.4	1. RAYMOND VICTOR ()	95.70	X			
	2. MICHAEL FLORES (Willard Manuel)	95.70	X			X
GU ACHI 253.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
	2. JEROME JOAQUIN (Roberta Picard)	126.80	X			
CHUKUT KUK 258.9	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X			
	2. VERLON M. JOSE (David Garcia)	129.45	X			X
BABOQUIVARI 364.1	1. FRANCES MIGUEL (Lucilda Norris-Valenzuela)	182.05	X			
	2. FRANCES G. ANTONE ()	182.05	X			
TOTAL		2,629.7	2,629.7	-0-	-0-	[03]

**PASSED VOTES