

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Limited Waiver of Immunity in the Construction Contract for
Schuk Toak Farm Remedial Construction WPO-125-05)

RESOLUTION NO. 06-077

1 WHEREAS, the Tohono O'odham Nation (the "Nation") has funds available from its P.L. 93-638
2 construction agreement with the U.S. Bureau of Reclamation to fund a remedial
3 construction contract WPO-125-05 for the Schuk Toak Farm; and

4 WHEREAS, the draft Construction Contract WPO-125-05 provided to bidders, at section D.020(6),
5 contains a dispute resolution remedy in Tohono O'odham Judicial Court for contract
6 disputes; and

7 WHEREAS, this remedy is only enforceable upon approval by the Legislative Council of a limited
8 waiver of the sovereign immunity of the Nation; and

9 WHEREAS, granting a limited waiver is in the best interests of the Nation; and

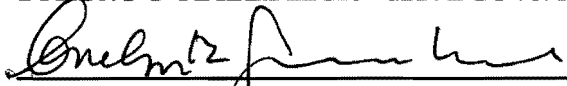
10 WHEREAS, the Water Resources, Agriculture, and Budget and Finance Committees have
11 reviewed the Construction Contract WPO-125-05.

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 dispute resolution remedies provided in the
15 Construction Contract WPO-125-05 which extend to proven sums owed by the
16 Nation to the Contractor.
- 17 2. The limited waiver of sovereign immunity shall be effective upon the date the
18 Nation and the Contractor execute the Construction Contract WPO-125-05.
- 19 3. Any references in the draft Construction Contract WPO-125-05 preserving the
20 sovereign immunity of the Nation are superceded by this resolution granting a
21 limited waiver of sovereign immunity.

22 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07th. Day
23 of FEBRUARY, 2006 at a meeting at which a quorum was present with a vote of 2,343.9 FOR; 96.90
24 AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by
25 Section 1 (d)(2)&(f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the
26 Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
27 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
28 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Evelyn B. Juan Manuel, Legislative Chairwoman

7th day of February, 2006

RESOLUTION NO. 06-077

(Approving a Limited Waiver of Immunity in the Construction Contract for Schuk Toak Farm Remedial Construction WPO-125-05)

Page 2 of 2

1 **ATTEST:**

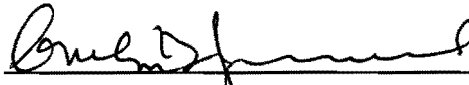
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3 _____
4 **Lucille Lopez, Acting Legislative Secretary**

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6 07 day of February, 2006.

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8 **Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono**
9 **O'Odham Nation on the 7th day of February, 2006 at 3:50 o'clock, P.M.,**
10 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
11 **upon her approval or upon her failure to either approve or disapprove it within 48 hours of**
12 **submittal.**

13
14 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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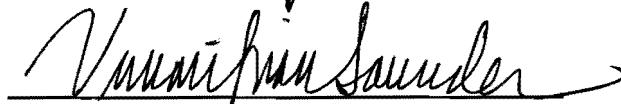
16 _____
17 **Evelyn B. Juan Manuel, Legislative Chairwoman**

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21 **APPROVED**

on the 7 day of February, 2006

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23 **DISAPPROVED**

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

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25 _____
26 **VIVIAN JUAN-SAUNDERS, CHAIRWOMAN**
27 **TOHONO O'ODHAM NATION**

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32 **Returned to the Legislative Secretary on the 07 day of**

33 February, 2006, at 4:36 o'clock, P.M.

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37 **Lucille Lopez, Acting Legislative Secretary**

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ACTION: APPROVING A LIMITED WAIVER OF IMMUNITY IN THE CONSTRUCTION CONTRACT FOR SCHUK TOAK FARM REMEDIAL CONSTRUCTION WPO-125-05

MOVED: COUNCILWOMAN GLORIA RAMIREZ

SECOND: COUNCILWOMAN MARLENE SARAFICIO-JUAN

DATE: FEBRUARY 07, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL ()	155.40	X			
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
GU VO 193.1	1. RAYMOND VICTOR ()	96.55	X			
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			X
HICKIWAN 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70	X			
	2. SANDRA ORTEGA ()	83.70	X			
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			X
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. JOHN W. LAWSON, SR. ()	84.50	X			X
	2. GLORIA RAMIREZ ()	84.50	X			
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			
	2. OLIVIA VILLEGAS-LISTON ()	96.90		X		
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X			
	2. PHYLLIS JUAN ()	73.45	X			
SELLS 421.0	1. MARLENE SARAFICIO-JUAN ()	210.50	X			
	2. EVELYN B. JUAN MANUEL ()	210.50	X			
SIF Oidak 186.7	1. WVALENE SAUNDERS (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (<i>Absent</i>) (Rita Martinez) (<i>Present</i>)	93.35	X			
TOTAL		2,440.80	2,343.9	96.90	-0-	[03]

****PASSED VOTES**