

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the Federal Emergency Management Agency – Tribal Agreement and
Subsequent Funds for Disaster Relief Reimbursement of \$31,077 for Flood
Response to Disaster Designated as FEMA-1660 DR-Arizona)**

RESOLUTION NO. 06-793

- 1 **WHEREAS, the monsoon floods of the Summer of 2006 caused significant damage and required**
2 **extensive response efforts from the various departments of the Tohono O'odham**
3 **Nation through an emergency declaration by way of Executive Order 06-731; and**
- 4 **WHEREAS, due to the extent of the monsoon floods during the timeframe of July 25, 2006 to**
5 **August 4, 2006, the State of Arizona declared a state of emergency for the areas of**
6 **Pima County, Pinal County as well as other jurisdictions and requested federal**
7 **assistance; and**
- 8 **WHEREAS, after careful review and assessments by the Federal Emergency Management Agency**
9 **(FEMA), on September 7, 2006, the President of the United States declared that a**
10 **major disaster exists in the State of Arizona; and**
- 11 **WHEREAS, through direct government to government relationships, the Tohono O'odham**
12 **Nation Office of Emergency Management began working directly with FEMA**
13 **representatives to assess damages and response efforts; and**
- 14 **WHEREAS, through the FEMA Schedule of Equipment Rates and the response and recovery**
15 **assessments done which also included related overtime paid to personnel during**
16 **the disaster, the final amount for reimbursement that the Tohono O'odham Nation**
17 **is eligible for \$31,077; and**
- 18 **WHEREAS, since the disaster response and relief work was conducted during the previous fiscal**
19 **year, the reimbursed funds would not return to the individual departments under**
20 **the current budget process; and**
- 21 **WHEREAS, since the Tohono O'odham Nation's Environmental Trust Fund is getting**
22 **dangerously low in funds available when needed for assistance; and**
- 23 **WHEREAS, through Resolution 2000-194, the Tohono O'odham Legislative Council approved the**
24 **Plan of Operation for the Environmental Trust Fund which directs funds from the**
25 **“recovery of Nation’s costs incurred for emergency response, removal or remedial**
26 **action” to be placed into the Environmental Trust Fund; and**
- 27 **WHEREAS, in order to accept this reimbursement funds the Tohono O'odham Nation is required**
28 **to sign a FEMA – Tribal Agreement; and**

RESOLUTION NO. 06-793

(Approving the Federal Emergency Management Agency – Tribal Agreement and Subsequent Funds for Disaster Relief Reimbursement of \$31,077 for Flood Response to Disaster Designated as FEMA-1660 DR-Arizona)

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1 **WHEREAS, the FEMA-Tribal Agreement requires that the Tohono O'odham Nation indemnify**
2 **and hold harmless the United States of America for any claims arising from the**
3 **removal of debris or wreckage from this disaster; and**

4 **WHEREAS, the FEMA – Tribal Agreement and subsequent documents have been reviewed and**
5 **approved by the Office of Grants and Contracts, Executive Office, Domestic Affairs**
6 **Committee, Budget & Finance Committee, and the aforementioned offices and**
7 **committees recommend approval by the Legislative Council.**

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

- 9 **1. The Tohono O'odham Legislative Council approves the FEMA – Tribal**
10 **Agreement for signature by the Chairwoman of the Tohono O'odham Nation.**
- 11 **2. The Tohono O'odham Legislative Council grants a limited waiver of sovereign**
12 **immunity with respect to controversies, claims, or disputes, counterclaims,**
13 **and/or cross claims arising out of, or related to the removal of debris and**
14 **wreckage from private property, by the Nation and other persons or agencies**
15 **authorized by the Nation, to remove debris and wreckage resulting from severe**
16 **storms and flooding during the period of July 25, 2006 to August 4, 2006.**
- 17 **3. The amount reimbursed of \$31,077 from FEMA will be received to the Tohono**
18 **O'odham Nation and transferred to the separate account of the Environmental**
19 **Trust Fund / Emergency Relief Fund upon receipt.**
- 20 **4. The Tohono O'odham Nation Department of Public Safety Office of Emergency**
21 **Management is authorized, in compliance with grant requirements, to use**
22 **these funds as seen fit to assist departments, districts, and individuals during**
23 **times of disaster.**
- 24 **5. Any amendment affecting the funding or funding levels of these disaster**
25 **reimbursement funds shall be submitted for further prior approval to the**
26 **Tohono O'odham Legislative Council.**

27 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 04TH. Day**
28 **of DECEMBER, 2006 at a meeting at which a quorum was present with a vote of 2,273.4 FOR; -0-**
29 **AGAINST; -0- NOT VOTING; and 167.4[04] ABSENT, pursuant to the powers vested in the Council by**
30 **Section 1 (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**
31 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
32 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
33 **Stat. 984).**

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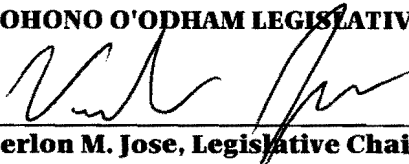
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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Verlon M. Jose, Legislative Chairman

5 day of December, 2006

ATTEST:

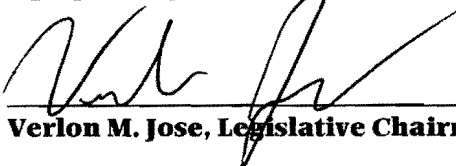


Lucille Lopez, Acting Legislative Secretary

05 day of December, 2006.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 5 day of December, 2006 at 4:31 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



Verlon M. Jose, Legislative Chairman

APPROVED

on the 6th day of December, 2006

DISAPPROVED

at 8:34 o'clock, A..M.



**VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 06 day of

December, 2006, at 8:36 o'clock, A..M.



Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING THE FEDERAL EMERGENCY MANAGEMENT AGENCY - TRIBAL AGREEMENT AND SUBSEQUENT FUNDS FOR DISASTER RELIEF REIMBURSEMENT OF \$31,077 FOR FLOOD RESPONSE TO DISASTER DESIGNATED AS FEMA-1660 DR-ARIZONA

MOVED: COUNCILWOMAN MARLENE SARAFICIO

SECOND: COUNCILMAN TIMOTHY JOAQUIN

DATE: DECEMBER 05, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL (Vernon J. Smith) (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			
HICKIWAN 167.4	1. (Vacant) ()	83.70				
	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. (Vacant) ()	84.50	X			
	2. GLORIA RAMIREZ ()	84.50	X			
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90	X			
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X			X
	2. PHYLLIS JUAN ()	73.45	X			
SELLS 421.0	1. MARLENE SARAFICIO-JUAN ()	210.50	X			
	2. EVELYN B. JUAN MANUEL (<i>Absent</i>) (Kimberly Listo) (<i>Present</i>)	210.50	X			
SIF OIDAK 186.7	1. WAVALENE ROMERO (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Wilson)	93.35	X			X
TOTAL		2,440.80	2,273.4	-0-	-0-	167.4 [04]

****PASSED VOTES**