

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Authorizing Execution of Website Service Agreements)**

**LEGISLATIVE ORDER NO. 08-509**

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with the**  
2 **power to "negotiate and conclude agreements and contracts on behalf of the Tohono**  
3 **O'odham Nation . . .with private persons or organizations on all matters within the**  
4 **authority of the Tohono O'odham Council" (Constitution, Article VI, Section 1(f)); and**  
5 **WHEREAS, the Council has prescribed the duties and powers of the Council Chairman and Vice**  
6 **Chairman (collectively, "legislative officers") by adopting the Legislative Rules and**  
7 **by passing Legislative Order No. 06-047, "Amended Delegation of Authority to**  
8 **Legislative Council Chairperson and Vice Chairperson"; and**  
9 **WHEREAS, although Legislative Order No. 06-047 expressly delegates to the legislative officers**  
10 **the authority to negotiate, execute, and administer certain contracts, the officers are**  
11 **not authorized to enter contracts that "indemnify a third party or authorize**  
12 **payment of an award of attorney fees or costs of litigation or arbitration, unless**  
13 **previously authorized by a majority vote of the Legislative Council"; and**  
14 **WHEREAS, the legislative officers, with assistance from staff in the Legislative Attorney's Office,**  
15 **and Legislative Secretary's Office, have prepared content for a Legislative Branch**  
16 **website, and have contracted with a Native American website designer to launch the**  
17 **website by the end of FY 2008; and**  
18 **WHEREAS, the officers have selected Verio, Inc. and its third-party vendors, Melbourne IT**  
19 **Limited, and Iron Mountain Information Management, Inc., to provide web hosting,**  
20 **domain name registration, and backup services at a monthly fee of \$12.95 as these**  
21 **services are not currently available in-house; and**  
22 **WHEREAS, the agreements to obtain these services do not expressly require the Nation to waive**  
23 **its sovereign immunity but do include indemnification clauses and other provisions**  
24 **that require Legislative Council approval; and**  
25 **WHEREAS, the legislative officers have researched alternative web hosting service agreements**  
26 **but these agreements also contain provisions that prevent the officers from**  
27 **executing them in accordance with Legislative Order No. 06-047; and**  
28 **WHEREAS, it is in the Legislative Council's best interest to give the Nation's members access to**  
29 **current Council calendars, committee memberships, contact information, laws, and**  
30 **other information through a Legislative Branch website.**  
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1 NOW, THEREFORE, BE IT ORDERED by the Tohono O'odham Legislative Council that it authorizes  
2 the Legislative Council officers to enter into the "Hosting and DNR and Backup  
3 Services Agreement" and all the agreements incorporated by reference (collectively,  
4 "Website Service Agreements"); provided that nothing in this delegation or in the  
5 Website Service Agreements shall be deemed a waiver of the Nation's sovereign  
6 immunity.

7 The foregoing Order was passed by the Tohono O'odham Legislative Council on the 08<sup>TH</sup>. Day of  
8 SEPTEMBER, 2008 at a meeting at which a quorum was present with a vote of 1,400.15 FOR; -0-  
9 AGAINST; 1,134.35 NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by  
10 Article VI, Section 1 (f) of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono  
11 O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -  
12 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48  
13 Stat. 984).

14  
15 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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19 Verlon M. Jose, Legislative Chairman

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21 9<sup>th</sup> day of Sept., 2008

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23 ATTEST:

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27 Lucille Lopez, Acting Legislative Secretary

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29 08 day of September, 2008.  
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ACTION: AUTHORIZING EXECUTION OF WEBSITE SERVICE AGREEMENTS

MOVED: VICE CHAIRWOMAN FELICIA NUNEZ

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: SEPTEMBER 08, 2008

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (Vernon Smith)	158.45	X			X
<b>CHUKUT KUK</b> 264.8	1. ETHEL GARCIA ( )	132.40	X			
	2. VERLON M. JOSE ( )	132.40	X			
<b>GU ACHI</b> 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95			X	X
	2. CYNTHIA E. MANUEL ( )	113.95			X	
<b>GU VO</b> 199.2	1. GRACE MANUEL ( )	99.60			X	X
	2. RAYMOND VICTOR ( )	99.60			X	
<b>HICKIWAN</b> 172.0	1. MICHELLE ORTEGA ( )	86.00			X	
	2. SANDRA ORTEGA ( )	86.00			X	
<b>PISINEMO</b> 182.4	1. CHESTER ANTONE (Tony Murrietta)	91.20	X			
	2. GERALD FAYUANT ( )	91.20	X			
<b>SAN LUCY</b> 181.1	1. LORRAINE EILER ( )	90.55	X			
	2. GLORIA RAMIREZ ( )	90.55			X	
<b>SAN XAVIER</b> 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON ** (Eileen A. Estrada-Lopez)	98.25	X			
<b>SCHUK TOAK</b> 154.6	1. FRANCES B. CONDE (Fredrick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
<b>SELLS</b> 444.7	1. KIMBERLY LISTO ( )	222.35			X	
	2. EVELYN B. JUAN MANUEL ( )	222.35			X	X
<b>SIF OIDAK</b> 194.4	1. WAVALENE ROMERO ( )	97.20	X			
	2. MARY LOPEZ ( )	97.20	X			
<b>TOTAL</b>		<b>2,534.5</b>	<b>1,400.15</b>	<b>-0-</b>	<b>1,134.35</b>	<b>[04]</b>

\*\*PASSED VOTES