

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Adopting Tohono O'odham Code Title 26, Chapter One, Article 4, Contracting and  
Procurement Authority)**

RESOLUTION NO. 08-707

- 1 **WHEREAS, the Constitution of the Tohono O'odham Nation provides that Judicial Branch shall**  
2 **be administered by the Chief Judge, "who shall be the chief administrative officer of**  
3 **the Tohono O'odham Judiciary" (Constitution, Article VIII, Section 5); and**
- 4 **WHEREAS, the Constitution also provides that "the executive power of the Tohono O'odham**  
5 **Nation shall be vested in the office of the Chairman," and further provides that the**  
6 **"Chairman shall be the chief executive officer of the Tohono O'odham Nation"**  
7 **(Constitution, Article VII, Section 1 and 2); and**
- 8 **WHEREAS, the Legislative Council is vested with the broad legislative and fiscal powers, and is**  
9 **administered by the Council Chairperson and Vice Chairperson, who are delegated**  
10 **authority by the Council pursuant to Article V, Section 4 of the Constitution; and**
- 11 **WHEREAS, the Legislative Council finds that, although the Nation has been organized in a tri-**  
12 **branch system of government, it is in the Nation's best interest to balance the**  
13 **independence of each branch with the need for uniform systems of financial**  
14 **management (Constitution, Article V, Section 1, Article VI); and**
- 15 **WHEREAS, the Council therefore finds it is in the Nation's best interest to clarify the authority of**  
16 **each branch of government to approve travel and procure goods and services that are**  
17 **funded pursuant to approved budgets and appropriations; and**
- 18 **WHEREAS, the Legislative Council is expressly vested with the power to "negotiate and conclude**  
19 **agreements and contracts on behalf of the Tohono O'odham Nation" with federal,**  
20 **state, and tribal governments and their subdivisions, "or with private persons or**  
21 **organizations on all matters within the authority of the Tohono O'odham**  
22 **Council,"(Constitution, Article VI, Section 1(f)); and**
- 23 **WHEREAS, as a matter of practice, the Nation's Chairperson has executed and administered the**  
24 **majority of Nation's contracts; and**
- 25 **WHEREAS, the Council has also, by resolution, expressly delegated the authority to execute and**  
26 **otherwise conclude self-determination contracts and annual funding agreements,**  
27 **attorney contracts, construction contracts, intergovernmental agreements,**  
28 **memoranda of understanding and agreement, and other contracts and agreements**  
29 **to the Nation's Chairperson and, in some cases, to the Nation's Vice Chairman**

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(Constitution, Article VII, Section 2(d)); and

WHEREAS, although the Legislative Council has approved these individual delegations of execution authority to the Nation's Chairperson, and has clarified the Legislative Council officers' contracting authority pursuant to Legislative Order No. 06-047, the Council has not enacted a law expressly enumerating the Nation's Chairperson's contracting powers or those of the Nation's Chief Judge; and

WHEREAS, the Council finds it is in the Nation's best interest to clarify the contracting authorities for its branches of government and to expressly vest the Nation's Chairperson with contracting authority for the majority of Nation's contracts and agreements in accordance with Tohono O'odham Code Title 26, Chapter 1, Article 4, Contracting and Procurement Authority, which is hereby incorporated by this reference.

NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it hereby adopts Tohono O'odham Code Title 26, Chapter 1, Article 4, Contracting and Procurement Authority.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 05<sup>TH</sup> Day of DECEMBER, 2008 at a meeting at which a quorum was present with a vote of 1,798.95 FOR; 563.55 AGAINST; -0- NOT VOTING; and 172.0[08] ABSENT, pursuant to the powers vested in the Council by Section 4 of Article V; 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

  
Verlon M. Jose, Legislative Chairman

10<sup>th</sup> day of December, 2008

ATTEST:

  
Lucille Lopez, Acting Legislative Secretary

05 day of December, 2008.

RESOLUTION NO. 08-707

(Adopting Tohono O'odham Code Title 26, Chapter One, Article 4, Contracting and Procurement Authority)

Page 3 of 3

- 1
- 2
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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 11<sup>th</sup> day of December, 2008 at 9:20 o'clock, a.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Felicia Munoz for  
Verlon M. Jose, Legislative Chairman

APPROVED

on the 15 day of December, 2008

DISAPPROVED

at 8:30 o'clock, a.M.

Ned Norris, Jr.  
NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 15 day of

December, 2008, at 8:50 o'clock, A.M.

Lucille Lopez  
Lucille Lopez, Acting Legislative Secretary

**ACTION: ADOPTING TOHONO O'ODHAM CODE TITLE 26, CHAPTER ONE, ARTICLE 4, CONTRACTING AND PROCUREMENT AUTHORITY**

**Moved: COUNCILMAN GERALD FAYUANT**

**SECOND: COUNCILWOMAN EVELYN JUAN MANUEL**

**DATE: DECEMBER 05, 2008**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> 316.9	1. FRANCES MIGUEL ( <i>Absent</i> ) (Roberta Harvey)( <i>Present</i> )	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			
	2. CYNTHIA E. MANUEL ( )	113.95	X			X
<b>GU VO</b> 199.2	1. GRACE MANUEL ( )	99.60		X		
	2. RAYMOND VICTOR ( )	99.60		X		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		X
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25		X		
<b>SCHUK TOAK</b> 154.6	1. FRANCES B. CONDE (Frederick Jose)	77.30		X		
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
<b>SELLS</b> 444.7	1. KIMBERLY LISTO ( )	222.35	X			X
	2. EVELYN B. JUAN MANUEL ( )	222.35	X			
<b>SIF OIDAK</b> 194.4	1. WAVALENE ROMERO ( )	97.20	X			
	2. MARY LOPEZ ( )	97.20	X			X
<b>TOTAL</b>		<b>2,534.5</b>	<b>1,798.95</b>	<b>563.55</b>	<b>-0-</b>	<b>172.0</b> <b>[08]</b>

**\*\*PASSED VOTES**