

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving Agreements with Network Infrastructure Corporation for Purchase of**  
**Legislative Branch Phone System)**

**LEGISLATIVE ORDER NO. 09-456**

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 Chairperson and Vice-**  
6 **Chairperson (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 the**  
10 **authority to negotiate, execute, and administer certain contracts, the officers are not**  
11 **authorized to enter contracts that “indemnify a third party or authorize payment of**  
12 **an award of attorney fees or costs of litigation or arbitration, unless previously**  
13 **authorized by a majority vote of the Legislative Council”; and**

14 **WHEREAS, the Legislative Branch is in need of a new, updated phone system to efficiently and**  
15 **effectively accommodate the high volume communication needs of Council**  
16 **representatives and staff; and**

17 **WHEREAS, the legislative officers, with support from the Nation’s Department of Information**  
18 **Technology (“DOIT”) and legislative staff, have negotiated a purchase and service**  
19 **agreement with Network Infrastructure Corporation for a “unified communications**  
20 **solution,” including voice communication over data network infrastructure,**  
21 **centralized voice mail, and additional supporting infrastructure; and**

22 **WHEREAS, Network Infrastructure Corporation’s “Standard Terms and Conditions” that**  
23 **accompany its “Scope of Work” and “Proposal” (collectively, “NIC Agreements”) which**  
24 **are incorporated by this reference, do not expressly require the Nation to waive its**  
25 **sovereign immunity but include an arbitration clause and other provisions requiring**  
26 **Legislative Council approval; and**

27 **WHEREAS, after discussions with DOIT and negotiating a substantial discount with Network**  
28 **Infrastructure Corporation for the overall purchase and service costs, the legislative**  
29 **officers recommend approval of the Network Infrastructure Corporation Agreements.**

30 **NOW, THEREFORE, BE IT ORDERED by the Tohono O'odham Legislative Council that it**  
31 **hereby authorizes the legislative officers to enter into the Network Infrastructure**

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Corporation Agreements, provided that nothing in this delegation or in the NIC Agreements shall be deemed a waiver of the Nation's sovereign immunity.

The foregoing Order was passed by the Tohono O'odham Legislative Council on the 06<sup>TH</sup>. Day of AUGUST, 2009 at a meeting at which a quorum was present with a vote of 1,816.45 FOR; 99.35 AGAINST; 679.7 NOT VOTING; and [02] 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

  
Verlon M. Jose, Legislative Chairman

13 day of August, 2009

ATTEST:

  
Evonne Wilson, Legislative Secretary

6 day of August, 2009

**ACTION: APPROVING AGREEMENTS WITH NETWORK INFRASTRUCTURE CORPORATION FOR PURCHASE OF LEGISLATIVE BRANCH PHONE SYSTEM**

**MOVED: COUNCILWOMAN FRANCES MIGUEL**

**SECOND: VICE-CHAIRWOMAN FELICIA NUNEZ**

**DATE: AUGUST 06, 2009**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF OIDAK</b> <b>198.7</b>	1. WAVALENE ROMERO (Nicholas Jose)	99.35		X		
	2. MARY LOPEZ ( )	99.35	X			
<b>SELLS</b> <b>449.6</b>	1. KIMBERLY LISTO ( )	224.80			X	
	2. EVELYN B. JUAN MANUEL ( )	224.80			X	
<b>SCHUK TOAK</b> <b>159.0</b>	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
<b>SAN XAVIER</b> <b>204.7</b>	1. FELICIA NUÑEZ ( )	102.35	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35	X			
<b>SAN LUCY</b> <b>187.1</b>	1. LORRAINE EILER (Charlotte Cadavas)	93.55	X			
	2. GLORIA RAMIREZ ( )	93.55	X			
<b>PISINEMO</b> <b>184.5</b>	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
<b>HICKIWAN</b> <b>174.5</b>	1. MICHELLE ORTEGA ( )	87.25	X			X
	2. SANDRA ORTEGA ( )	87.25	X			
<b>GU VO</b> <b>206.3</b>	1. GRACE MANUEL ( )	103.15	X			
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			X
<b>GU ACHI</b> <b>230.1</b>	1. TIMOTHY L. JOAQUIN ( )	115.05			X	
	2. CYNTHIA E. MANUEL ( )	115.05			X	
<b>CHUKUT KUK</b> <b>277.0</b>	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ( )	138.50	X			
<b>BABOQUIVARI</b> <b>324.0</b>	1. FRANCES MIGUEL (Roberta Harvey)	162.0	X			
	2. FRANCES G. ANTONE ( )	162.0	X			
<b>TOTAL</b>		<b>2,595.50</b>	<b>1,816.45</b>	<b>99.35</b>	<b>679.7</b>	<b>[02]</b>