

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving an Intergovernmental Agreement Between Maricopa County and the
Tohono O'odham Nation)

RESOLUTION NO. 15-036

1 **WHEREAS, the Legislative Council is vested with the power to “consult, negotiate and**
2 **conclude agreements and contracts on behalf of the Tohono O'odham Nation**
3 **with Federal, State and local governments and other Indian tribes or their**
4 **departments, agencies, or political subdivisions, or with private persons or**
5 **organizations on all matters within the authority of the Tohono O'odham**
6 **Council” (Constitution of the Tohono O'odham Nation, Article VI, Section 1(f));**
7 **and**

8 **WHEREAS, in 1986, the United States Congress enacted the Gila Bend Indian Reservation**
9 **Lands Replacement Act as Pub. L. No. 99-503 (the “Replacement Act”), which**
10 **authorized the Nation to acquire new lands to replace lands damaged by the**
11 **Painted Rock Dam and required the United States to hold eligible replacement**
12 **lands in trust for the benefit of the Nation; and**

13 **WHEREAS, pursuant to Resolution No. 09-049, as amended by Resolution No. 09-397, the**
14 **Legislative Council requested that the Secretary of the Interior acquire 134.88**
15 **acres of real property (the “Settlement Property”) in trust for the benefit of the**
16 **Nation under the terms of the Replacement Act; and**

17 **WHEREAS, 53.54 acres of the Settlement Property is now National land and the remaining**
18 **81.34 acres have not yet been taken into trust by the Secretary of the Interior**
19 **under the terms of the Replacement Act; and**

20 **WHEREAS, by Resolution No. 13-446 the Legislative Council delegated to the Economic**
21 **Development Delegation authority to negotiate with Maricopa County the terms**
22 **of an agreement designed to clarify jurisdictional roles with respect to the 81.34**
23 **acres of Nation land not yet in trust, subject to Legislative Council approval of**
24 **any resulting agreement; and**

25 **WHEREAS, the Agreement requires a limited waiver of the sovereign immunity of the**
26 **Nation in favor of Maricopa county to allow the indemnification provisions of**
27 **the Agreement to be enforced in accordance with its terms; and**

28 **WHEREAS, the Commerce and Agricultural and Natural Resources Committees of the**
29 **Legislative Council have reviewed the Agreement, including the proposed**
30 **limited waiver of the sovereign immunity of the Nation, and recommend that**

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1 the Nation enter into an agreement with Maricopa County on terms that are
2 substantially the same as those set forth in the Agreement.

3 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves**
4 **and authorizes the following:**

- 5 **1. The Legislative Council approves the Intergovernmental Agreement with**
6 **Maricopa County and authorizes the Nation's Chairman to execute the**
7 **agreement in substantially the form presented to the Legislative Council.**
8 **2. The Nation hereby grants a limited waiver of the sovereign immunity**
9 **from suit of the Nation in favor of Maricopa County in accordance with**
10 **the attached Exhibit A.**

11 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12TH**
12 **day of FEBRUARY, 2015 at a meeting at which a quorum was present with a vote of 2,946.5 FOR;**
13 **-0- AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
14 **Article VI, Section 1(f) of the Constitution of the Tohono O'odham Nation, adopted by the**
15 **Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
16 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of**
17 **June 18, 1934 (48 Stat.984).**

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19 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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24 **Timothy Joaquin, Legislative Chairman**

25 13 day of February, 2015

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29 **ATTEST:**

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32 **Evonne Wilson, Legislative Secretary**

33 13 day of May, 2015

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36 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
37 **O'odham Nation on the 13 day of February, 2015 at 4:51 o'clock, P .m.,**
38 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
39 **effective upon his approval or upon his failure to either approve or disapprove it within 48**
40 **hours of submittal.**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

APPROVED

DISAPPROVED

on the 17 day of February, 2015
at 3:38 o'clock, P.m.



NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 17 day of
February, 2015, at 3:58 o'clock, P.m.



Evonne Wilson, Legislative Secretary

ACTION: APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN MARICOPA COUNTY AND THE TOHONO O'ODHAM NATION

Moved: COUNCILMAN BILLMAN LOPEZ

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: FEBRUARY 12, 2015

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 224.2	1. LUCINDA ALLEN (Nicholas Jose)	112.1	X			
	2. MARY LOPEZ ()	112.1	X			
SELLS 502.0	1. ARTHUR WILSON (Ophelia Patten)	251.0	X			
	2. BARBARA HAVIER (Beverly Rivas)	251.0	X			
SCHUK TOAK 174.2	1. FRANCES B. STEPHENS (Anthony J. Rios)	87.1	X			X
	2. QUINTIN C. LOPEZ (John Fendenheim)	87.1	X			
SAN XAVIER 224.2	1. HILARION CAMPUS (Daniel L.A. Preston, III)	112.1	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	112.1	X			
SAN LUCY 219.6	1. DIANA MANUEL (Gloria Ramirez)	109.8	X			
	2. JANA MONTANA ()	109.8	X			
PISINEMO 210.6	1. CHESTER ANTONE (<i>Absent</i>) (Tony Murrietta) (<i>Present</i>)	105.3	X			
	2. EDWARD MANUEL, SR. ()	105.3	X			
HICKIWAN 196.9	1. LOUIS R. LOPEZ ()	98.45	X			X
	2. SANDRA ORTEGA (Manuel Osequeda, Jr.)	98.45	X			
HIA CED 19.6	1. PATRICK ANDREWS (Janice E. Paul)	9.8	X			
	2. VIRGINIA GARCIA ()	9.8	X			
GU VO 241.0	1. GRACE MANUEL (Floyd Flores)	120.5	X			
	2. PAMELA ANGHILL (<i>Absent</i>) (Jeffery Antone, Sr.) (<i>Present</i>)	120.5	X			
GU ACHI 257.3	1. TIMOTHY L. JOAQUIN ()	128.65	X			
	2. LORETTA LEWIS (<i>Absent</i>) (Lous Johnson) (<i>Present</i>)	128.65	X			X
CHUKUT KUK 319.2	1. ETHEL GARCIA (Marlakay C. Henry)	159.6	X			
	2. BILLMAN LOPEZ ()	159.6	X			
BABOQUIVARI 357.7	1. FRANCES MIGUEL (Roberta Harvey)	178.85	X			
	2. VERNON J. SMITH (Gloria Zazueta)	178.85	X			
TOTAL		2,946.5	2,946.5	-0-	-0-	[03]