

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving an Amendment to an Intergovernmental Agreement and Two New Joint**  
**Project Agreements between the Tohono O'odham Nation and the State of Arizona**  
**to Implement a Highway Safety Improvement Program Project on the Tohono**  
**O'odham Nation)**

**RESOLUTION NO. 15-210**

1 **WHEREAS,** through Resolution No. 12-438 the Tohono O'odham Legislative Council  
2 approved an Intergovernmental Agreement with the State of Arizona to allow  
3 the Arizona Department of Transportation (ADOT) to perform certain road  
4 improvements on the Nation's lands under the Federal Highway Safety  
5 Improvement Program and the High Risk Rural Roads Program for the specific  
6 purpose of achieving a significant reduction in traffic fatalities and serious  
7 injuries on the Tohono O'odham Nation roads; and

8 **WHEREAS,** the improvements will be implemented on IRR 1, IRR 16, IRR 15, IRR 19, IRR 20,  
9 IRR 21, IRR 24, IRR 29, IRR 30, IRR 34, IRR 35, and IRR 42; and

10 **WHEREAS,** the improvements will consist of upgrading 4" centerline and 6" edgeline  
11 pavement markings to thermoplastic pavement markings, installing raised  
12 pavement markers, installation of Stop signs, curve warning signs, chevrons, Do  
13 Not Enter When Flooded signs with depth gauges, and guardrail end treatments  
14 on bridge transitions where appropriate; and

15 **WHEREAS,** the State of Arizona and ADOT have found a need to amend the work approved in  
16 the original agreement and adjust construction federal-aid funds for the  
17 projects safety improvements in two new Joint Project Agreements; and

18 **WHEREAS,** Arizona Department of Transportation Project No. SH56101C\_03D is being  
19 amended and the two new Joint Project Agreements are designated ADOT  
20 Project No. SH642 01C and ADOT Project No. SH643 01C; and

21 **WHEREAS,** the Intergovernmental Agreement provides for dispute resolution through  
22 arbitration and enforcement of an arbitration award in court by either party;  
23 and

24 **WHEREAS,** the dispute resolution provision requires a limited waiver of the Nation's  
25 sovereign immunity to allow the State of Arizona to enforce an arbitrator's  
26 award in court; and

27 **WHEREAS,** the Agricultural and Natural Resources and the Budget and Finance Committees  
28 have reviewed the Intergovernmental Agreements and recommend their  
29 approval.

30 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council:

- 31 1. Approves the amendment to the Intergovernmental Agreement and the two  
32 new Joint Project Agreements between the Tohono O'odham Nation and the

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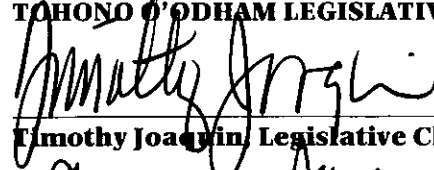
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State of Arizona substantially in the form attached hereto and approves a limited waiver of the Nation's sovereign immunity to implement the dispute resolution provisions of the Intergovernmental Agreements; and

- 2. Authorizes and directs the Chairperson of the Nation to execute the Intergovernmental Agreements on behalf of the Nation, and to execute any additional documents reasonably necessary to implement the Intergovernmental Agreements.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 21<sup>ST</sup> day of MAY, 2015 at a meeting at which a quorum was present with a vote of 2,395.0 FOR; -0- AGAINST; -0- NOT VOTING; and 531.9 [05] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(f) 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

  
\_\_\_\_\_  
Timothy Joaquin, Legislative Chairman

9 day of June, 2015

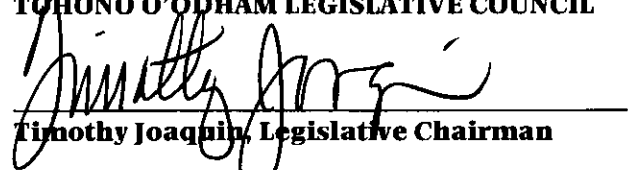
ATTEST:

  
\_\_\_\_\_  
Evonne Wilson, Legislative Secretary

8 day of June, 2015

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 9 day of June, 2015 at 8:49 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

  
\_\_\_\_\_  
Timothy Joaquin, Legislative Chairman

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**APPROVED**

on the 09 day of June, 2015

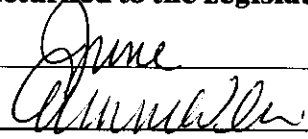
**DISAPPROVED**

at 4:52 o'clock, P.m.

  
\_\_\_\_\_  
**NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION**

**Returned to the Legislative Secretary on the 10 day of**

June, 2015, at 8:48 o'clock, a.m.

  
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**Evonne Wilson, Legislative Secretary**

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**ACTION: APPROVING AN AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT AND TWO NEW JOINT PROJECT AGREEMENTS BETWEEN THE TOHONO O'ODHAM NATION AND THE STATE OF ARIZONA TO IMPLEMENT A HIGHWAY SAFETY IMPROVEMENT PROGRAM PROJECT ON THE TOHONO O'ODHAM NATION**

**Moved: COUNCILWOMAN LORETTA LEWIS**

**SECOND: COUNCILWOMAN PAMELA ANGHILL**

**DATE: MAY 21, 2015**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF OIDAK 224.2</b>	1. LUCINDA ALLEN (Nicholas Jose)	112.1	X			
	2. MARY LOPEZ ( )	112.1	X			
<b>SELLS 502.0</b>	1. ARTHUR WILSON (Ophelia Patten)	251.0	X			
	2. BARBARA HAVIER (Beverly Rivas)	251.0	X			
<b>SCHUK TOAK 174.2</b>	1. ANTHONY J. RIOS ( )	87.1				X
	2. QUINTIN C. LOPEZ (John Fendenhelm)	87.1				X
<b>SAN XAVIER 224.2</b>	1. HILARION CAMPUS (Daniel L.A. Preston, III)	112.1	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	112.1	X			
<b>SAN LUCY 219.6</b>	1. DIANA MANUEL (Gloria Ramirez)	109.8	X			
	2. JANA MONTANA ( )	109.8	X			
<b>PISINEMO 210.6</b>	1. CHESTER ANTONE (Tony Murrietta)	105.3	X			
	2. EDWARD MANUEL, SR. ( )	105.3	X			
<b>HICKIWAN 196.9</b>	1. LOUIS R. LOPEZ ( )	98.45	X			X
	2. SANDRA ORTEGA (Manuel Osequeda, Jr.)	98.45	X			
<b>GU VO 241.0</b>	1. GRACE MANUEL (Floyd Flores)	120.5	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	120.5	X			
<b>GU ACHI 257.3</b>	1. TIMOTHY L. JOAQUIN ( )	128.65	X			
	2. LORETTA LEWIS (Louis Johnson)	128.65	X			
<b>CHUKUT KUK 319.2</b>	1. ETHEL GARCIA (Marlakay C. Henry)	159.6	X			
	2. BILLMAN LOPEZ ( )	159.6	X			
<b>BABOQUIVARI 357.7</b>	1. FRANCES MIGUEL (Roberta Harvey)	178.85	X			X
	2. VERNON J. SMITH (Gloria Zazueta)	178.85	X			X
<b>TOTAL</b>		<b>2,926.9</b>	<b>2,395.0</b>	<b>-0-</b>	<b>-0-</b>	<b>531.9 [05]</b>