

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the United States Department of Homeland Security/Arizona
Department of Homeland Security FFY 2015 Operation Stonegarden Grant
Program Award No. 150425-01 and Grant Agreement No. 16-AZDOHS-OPSG-
150425-01 and Granting a Limited Waiver of Sovereign Immunity)**

RESOLUTION NO. 16-141

1 **WHEREAS, the Arizona Department of Homeland Security is the State Administrative Agency**
2 **authorized by the Governor of Arizona to serve as the "pass through" agency for**
3 **grant funding issued by the United States Department of Homeland Security; and**
4 **WHEREAS, the Arizona Department of Homeland Security manages the United States**
5 **Homeland Security Grant Program for eligible Local, Tribal and State Agencies**
6 **within Arizona, and has awarded the Tohono O'odham Nation Award No. 150425-**
7 **01, titled FFY 2015 Operation Stonegarden Grant Program Award - OPSG Overtime**
8 **and Mileage in the amount of \$263,181.00; and**
9 **WHEREAS, the grant period runs from January 1, 2016 through December 31, 2016; and**
10 **WHEREAS, the Tohono O'odham Nation's Attorney General's Office has reviewed the Sub-**
11 **Grantee Agreement required by the Arizona Department of Homeland Security;**
12 **and**
13 **WHEREAS, the Tohono O'odham Nation's best interests will be served by entering into the**
14 **Sub-Grantee Agreement; and**
15 **WHEREAS, the Arizona Department of Homeland Security Grant Program does not allow the**
16 **recoupment of indirect costs incurred in administering the grant; and**
17 **WHEREAS, the Domestic Affairs and the Budget and Finance Committees of the Legislative**
18 **Council have reviewed the Sub-Grantee Agreement, including that the Tohono**
19 **O'odham Nation grants a limited waiver of the Nation's sovereign immunity in**
20 **favor of the Arizona Department of Homeland Security to allow the Sub-Grantee**
21 **Agreement to be enforced in accordance with its term, and the Nation's**
22 **Department of Public Safety's "Arizona Department of Homeland Security FFY**
23 **2015 Operation Stonegarden Grant Program Award-OPSG Overtime and Mileage"**
24 **budget and recommend approval.**
25 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council accepts,**
26 **approves and authorizes:**

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(Approving the United States Department of Homeland Security/Arizona Department of Homeland Security FFY 2015 Operation Stonegarden Grant Program Award No. 150425-01 and Grant Agreement No. 16-AZDOHS-OPSG-150425-01 and Granting a Limited Waiver of Sovereign Immunity)

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1 (1) The Sub-Grantee Agreement No. 15-AZDOHS-OPSG-150425-01 in the
2 amount of \$263,181.00 from the Arizona Department of Homeland
3 Security under the FY 2015 Operation Stonegarden Grant Program for
4 the period of January 1, 2016 through December 31, 2016;

5 (2) The Nation's Department of Public Safety's "Arizona Department of
6 Homeland Security FFY 2015 Operation Stonegarden Grant Program
7 Award-OPSG Overtime and Mileage" budget; and

8 (3) The Executive Branch to expend funds as budgeted, to utilize the
9 Nation's resources pending reimbursement from the Grantor for the
10 continuation of this grant, and to waive indirect costs to administer
11 the grant.

12 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council grants a limited
13 wavier of the Nation's sovereign immunity from suit in favor of the Arizona
14 Department of Homeland Security pursuant to the terms set forth in the Sub-
15 Grantee Agreement.

16 **BE IT FINALLY RESOLVED** that the Tohono O'odham Nation Chairperson is authorized to
17 execute the Agreement, provided that any amendments affecting the funds or
18 funding level shall be submitted for further prior approval by the Tohono
19 O'odham Legislative Council.

20 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06TH**
21 **day of APRIL, 2016 at a meeting at which a quorum was present with a vote of 2,840.8 FOR; -0-**
22 **AGAINST; -0- NOT VOTING; and 180.6[04] ABSENT, pursuant to the powers vested in the Council**
23 **by Article VI, Section 1(d)(3)and(f) of the Constitution of the Tohono O'odham Nation, adopted**
24 **by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy**
25 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the**
26 **Act of June 18, 1934 (48 Stat.984).**

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28 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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33 **Timothy Joaquin, Legislative Chairman**

34 **8** day of **April**, 2016
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(Approving the United States Department of Homeland Security/Arizona Department of Homeland Security FFY 2015 Operation Stonegarden Grant Program Award No. 150425-01 and Grant Agreement No. 16-AZDOHS-OPSG-150425-01 and Granting a Limited Waiver of Sovereign Immunity)

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ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary

8 day of April, 2016

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 8 day of April, 2016 at 11:40 o'clock, P.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
Timothy Joaquin, Legislative Chairman

APPROVED

on the 8 day of April, 2016

DISAPPROVED

at 5:30 o'clock, P.m.

Edward D. Manuel
EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 11 day of

April, 2016, at 8:28 o'clock, A.m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

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ACTION: APPROVING THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY/ARIZONA DEPARTMENT OF HOMELAND SECURITY FFY 2015 OPERATION STONEGARDEN GRANT PROGRAM AWARD NO. 150425-01 AND GRANT AGREEMENT NO. 16-AZDOHS-OPSG-150425-01 AND GRANTING A LIMITED WAIVER OF SOVEREIGN IMMUNITY

Moved: COUNCILWOMAN ETHEL GARCIA

SECOND: COUNCILMAN BILLMAN LOPEZ

DATE: APRIL 06, 2016

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (Roberta E. Harvey)	183.60	X			
	2. VERNON J. SMITH (Gloria Zazueta)	183.60	X			
CHUKUT KUK 332.1	1. ETHEL GARCIA (Marlakay K. Henry)	166.05	X			
	2. BILLMAN LOPEZ (Patricia Vicenti)	166.05	X			
GUACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50	X			
	2. LORETTA LEWIS ()	132.50	X			
GU VO 250.6	1. GRACE MANUEL (Dallas Lewis)	125.3	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	125.3	X			
HICKIWAN 205.8	1. LOUIS R. LOPEZ (Shirley Molina)	102.90	X			
	2. SANDRA ORTEGA ()	102.90	X			X
PISINEMO 219.9	1. CHESTER ANTONE ()	109.95	X			
	2. MONICA K. MORGAN ()	109.95	X			
SAN LUCY 226.5	1. DIANA MANUEL ()	113.25	X			
	2. JANA MONTANA (Gloria Ramirez)	113.25	X			
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III ()	114.3	X			
	2. RACHEAL VILSON-STONER <i>(Absent)</i> (Olivia Villegas-Liston) <i>(Present)</i>	114.3	X			X
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ()	90.3				X
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.3				X
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75	X			
	2. BARBARA HAVIER ()	256.75	X			
SIF Oidak 231.6	1. LUCINDA ALLEN (Nicholas Jose)	115.80	X			
	2. MARY LOPEZ ()	115.80	X			
TOTAL		3,021.4	2,840.8	-0-	-0-	180.6 [04]