

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving the Wildland Fire Cooperative Agreement Between the Bureau of Indian Affairs Western Region and the Tohono O'odham Nation)**

**RESOLUTION NO. 16-274**

1 **WHEREAS, the Tohono O'odham Nation has contracted with the Secretary of the Interior**  
2 **under a Public Law 93-638 Master Contract, Contract No. 1450CTH54T61071,**  
3 **effective as of October 1, 1996, to perform certain federal programs, services,**  
4 **functions and activities, including the Bureau of Indian Affairs ("BIA"), Papago**  
5 **Agency's program called the Wildland Fire Preparedness and Suppression**  
6 **Program, under a program called the Tohono O'odham Nation Fire**  
7 **Management Program; and**

8 **WHEREAS, on April 13, 1999 the Tohono O'odham Nation and the BIA, entered into**  
9 **Cooperative Agreement No. AG9H009005 to facilitate reimbursement of the**  
10 **Nation by the BIA for the cost of fighting wildland fires on the Nation's lands and**  
11 **for responding to fires and other emergency incidents off the Tohono O'odham**  
12 **Nation when dispatched by the BIA or other authorized federal dispatch office,**  
13 **and for other purposes; and**

14 **WHEREAS, the attached Cooperative Agreement is a government to government agreement**  
15 **between the Tohono O'odham Nation Fire Management Program and the BIA**  
16 **Western Region Forestry and Fire Management and will provide a mechanism to**  
17 **reimburse the Nation for non-recurring expenditures for actual costs; and**

18 **WHEREAS, the indemnification provision requires a limited waiver of the Nation's**  
19 **sovereign immunity to allow the Nation to defend claims against the United**  
20 **States for actions or omissions of the Nation or Nation's representatives arising**  
21 **out of the Cooperative Agreement's fire management activities; and**

22 **WHEREAS, the Domestic Affairs and the Budget and Finance Committees of the Legislative**  
23 **Council have reviewed the Cooperative Agreement, which is incorporated by this**  
24 **reference, and recommend its approval.**

25 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**  
26 **Cooperative Agreement, in substantially the form attached, between the BIA**  
27 **Western Region and the Tohono O'odham Nation.**

28 **BE IT FURTHER RESOLVED that the Legislative Council grants a limited waiver of the Nation's**  
29 **sovereign immunity in accordance with and only to the extent authorized in the**  
30 **indemnification provision, Section IX.A. of the Cooperative Agreement.**

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BE IT FINALLY RESOLVED that the Legislative Council authorizes and directs the Nation's Chairman to execute the Cooperative Agreement.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 22nd day of JUNE, 2016 at a meeting at which a quorum was present with a vote of 3,021,4 FOR; -0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(c)(2) and (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*  
\_\_\_\_\_  
Timothy Joaquin, Legislative Chairman  
23 day of June, 2016

ATTEST:

*Evonne Wilson*  
\_\_\_\_\_  
Evonne Wilson, Legislative Secretary  
23 day of June, 2016

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 23 day of June, 2016 at 11:00 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*  
\_\_\_\_\_  
Timothy Joaquin, Legislative Chairman

APPROVED

on the 23 day of June, 2016

DISAPPROVED

at 3:19 o'clock, p.m.

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

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1 Returned to the Legislative Secretary on the 23 day of

2  
3 June, 2016, at 3:20 o'clock, p.m.

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7 **Evonne Wilson, Legislative Secretary**

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**ACTION: APPROVING THE WILDLAND FIRE COOPERATIVE AGREEMENT BETWEEN THE BUREAU OF INDIAN AFFAIRS WESTERN REGION AND THE TOHONO O'ODHAM NATION**

**MOVED: COUNCILMAN BILLMAN LOPEZ**

**SECOND: COUNCILWOMAN ETHEL GARCIA**

**DATE: JUNE 22, 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			
GU ACHI 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)	125.30	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	125.30	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			
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ( )	90.3	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.3	X			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			
<b>TOTAL</b>		<b>3,021.4</b>	<b>3,021.4</b>	<b>-0-</b>	<b>-0-</b>	<b>[02]</b>