

LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing Acceptance of Bluehost "Terms of Service")

LEGISLATIVE ORDER NO. 17-234

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Legislative Council with
2 the power to "negotiate and conclude agreements and contracts on behalf of the
3 Tohono O'odham Nation . . .with private persons or organizations on all matters
4 within the authority of the Tohono O'odham Council" (Constitution, Article VI,
5 Section 1(f)); and

6 **WHEREAS,** the Council has prescribed the duties and powers of the Council Chairman and
7 Vice Chairman (collectively, "legislative officers") by adopting the Legislative
8 Rules and by passing Legislative Order No. 06-047, "Amended Delegation of
9 Authority to Legislative Council Chairperson and Vice Chairperson"; and

10 **WHEREAS,** although Legislative Order No. 06-047 expressly delegates to the legislative
11 officers the authority to negotiate, execute, and administer certain contracts, the
12 officers are not authorized to enter contracts that "indemnify a third party or
13 authorize payment of an award of attorney fees or costs of litigation or
14 arbitration, unless previously authorized by a majority vote of the Legislative
15 Council"; and

16 **WHEREAS,** at the request of the legislative officers, staff researched and identified a new web
17 hosting service, Bluehost to provide services to the Legislative Branch; and

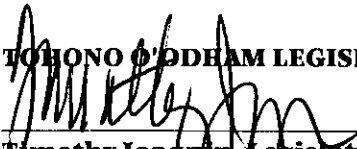
18 **WHEREAS,** although the Bluehost "Terms of Service" does not expressly require the
19 Legislative Branch to waive its sovereign immunity, it does include
20 indemnification clauses and other provisions which require Legislative Council
21 approval.

22 **NOW, THEREFORE, BE IT ORDERED** by the Tohono O'odham Legislative Council that it
23 authorizes the Legislative Council officers to accept and execute the Bluehost
24 "Terms of Service," provided that nothing in this delegation or in the agreement
25 shall be deemed a waiver of the Nation's sovereign immunity or legislative
26 immunity.

27 **The foregoing Order was passed by the Tohono O'odham Legislative Council on the 08TH day of**
28 **JUNE, 2017 at a meeting at which a quorum was present with a vote of 3,021,4 FOR; -0- AGAINST;**
29 **-0- NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by Article VI,**
30 **Section 1(f) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham**
31 **Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian**
32 **Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
33 **Stat.984).**
34
35
36

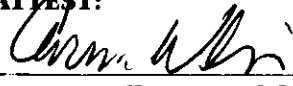
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman
6 day of April, 2018

ATTEST:



Evonne Wilson, Legislative Secretary
6 day of April, 2018

ACTION: AUTHORIZING ACCEPTANCE OF BLUEHOST "TERMS OF SERVICE"

MOVED: COUNCILWOMAN LORETTA LEWIS

SECOND: COUNCILWOMAN PAMELA ANGHILL

DATE: JUNE 8, 2017

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (<i>Absent</i>) (Roberta E. Harvey) (<i>Present</i>)	183.60		X		
	2. VERNON J. SMITH (Gloria Zazueta)	183.60	X			
CHUKUT KUK 332.1	1. ETHEL GARCIA (Marla Kay Henry)	166.05	X			
	2. BILLMAN LOPEZ (Patricia Vicenti)	166.05	X			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)	125.30	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 (Caroline D. Garcia)	109.95	X			
	2. MONICA K. MORGAN ()	109.95	X			X
SAN LUCY 226.5	1. DIANA MANUEL (Lorraine Eiler)	113.25	X			
	2. JANA MONTANA (Gloria Ramirez)	113.25		X		
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III (Felicia Nunez)	114.30	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.30		X		X
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. (Teresa F. Donahue)	90.30	X			
	2. QUINTIN C. LOPEZ (John Fendenhelm)	90.30		X		
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75	X			
	2. BARBARA HAVIER (Idaleen Reyes)	256.75		X		
SIF OIDAK 231.6	1. LUCINDA ALLEN ()	115.80		X		
	2. MARY LOPEZ ()	115.80	X			
TOTAL		3,021.4	3,021.4	-0-	-0-	[05]