RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Ratifying the Intergovernmental Agreement between San Xavier District and Pima County)  

WHEREAS, the Tohono O'odham Legislative Council is empowered "[t]o consult, negotiate and conclude agreements and contracts on behalf of the Tohono O'odham Nation with Federal, State and local governments and other Indian tribes or their departments, agencies or political subdivisions, or with private persons or organizations on all matters within the authority of the Tohono O'odham Council" (Constitution of the Tohono O'odham Nation, Article VI, Section 1(f)); and  

WHEREAS, pursuant to 26 T.O.C. Chapter 1, Article 4, Section 1402(D), intergovernmental agreements shall require approval by action of the Legislative Council and pursuant to 1 T.O.C. Chapter 2, Section 2101(C), any waiver of the sovereign immunity of a District must be approved by resolution or other action of the Legislative Council and must be limited by the clear and express terms of the waiver; and  

WHEREAS, certain roads within the San Xavier District need maintenance and repairs; and  

WHEREAS, the San Xavier District entered into an intergovernmental agreement for roadway maintenance with Pima County, Arizona ("the IGA"), which is incorporated by this reference, on or about January 11, 2011; and  

WHEREAS, the IGA includes a limited waiver of the District's sovereign immunity to allow for enforcement of the IGA through an action for declaratory and/or injunctive relief in the U.S. District Court; and  

WHEREAS, the Legislative Council desires the roadway maintenance activities conducted by Pima County, Arizona, pursuant to the IGA to continue; and  

WHEREAS, the Tohono O'odham Nation Department of Planning and Economic Development recommends ratification of the IGA by the Tohono O'odham Legislative Council; and  

WHEREAS, the Agricultural and Natural Resources Committee reviewed the IGA and recommends ratification.  

NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the Intergovernmental Agreement between the San Xavier District and Pima County for roadway maintenance effective retroactively to January 11, 2011.  

BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council approves the limited waiver of the San Xavier District's sovereign immunity contained in paragraph 17 of the IGA.  

BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that nothing in this resolution or the IGA shall be construed as creating any interest in lands of the Tohono O'odham Nation or as giving the consent of the Tohono O'odham Nation.
RESOLUTION NO. 19-062
(Ratifying the Intergovernmental Agreement between San Xavier District and Pima County)
Page 2 of 3

to the grant of any easement, right-of-way, or any other interest in land that the
Tohono O'odham Nation has not previously approved or consented to.

BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that nothing in this
resolution or the IGA shall be construed as a waiver of the sovereign immunity of
the Tohono O'odham Nation or as giving the Nation's consent to the exercise of
jurisdiction by the County of Pima or the State of Arizona over any lands of the
Tohono O'odham Nation.

BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that any responsibility or
liability, including financial liability, related to the IGA shall remain with the San
Xavier District, and no responsibility or liability, including financial liability,
shall fall upon the Tohono O'odham Nation.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08th
day of FEBRUARY, 2019 at a meeting at which a quorum was present with a vote of 2,875.6 FOR:
0 AGAINST; 209.0 NOT VOTING; and [04] 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'DOHAM LEGISLATIVE COUNCIL

Timothy Joaquin, Legislative Chairman

11 day of February, 2019

ATTEST:

Evonne Wilson, Legislative Secretary

11 day of February, 2019

Said Resolution was submitted for approval to the office of the Chairman of the Tohono
O'odham Nation on the 11 day of February, 2019 at 11:15 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'DOHAM LEGISLATIVE COUNCIL

Timothy Joaquin, Legislative Chairman

on the 11 day of February, 2019

[ ] DISAPPROVED

at 2:25 o'clock, P.M.
RESOLUTION NO. 19-062
(Ratifying the Intergovernmental Agreement between San Xavier District and Pima County)
Page 3 of 3

EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 12th day of
February, 2019, at 8:56 o'clock, a.m.

Evonne Wilson, Legislative Secretary
RESOLUTION NO. 19-062

ACTION: RATIFYING THE INTERGOVERNMENTAL AGREEMENT BETWEEN SAN XAVIER DISTRICT AND PIMA COUNTY

MOVED: COUNCILWOMAN MONICA K. MORGAN
SECOND: COUNCILWOMAN JANICE FELIX

DATE: FEBRUARY 08, 2019

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>LEGISLATIVE REPRESENTATIVES</th>
<th># OF VOTES</th>
<th>FOR</th>
<th>AGAINST</th>
<th>NOT VOTING</th>
<th>ABSENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>SIF OIDAK</td>
<td>1. MARY LOPEZ (Yolonda Garcia)</td>
<td>117.9</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>235.8</td>
<td>2. LUCINDA ALLEN</td>
<td>117.9</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SELLIS</td>
<td>1. ARTHUR WILSON (Absent) (Evelyn Juan Manuel) (Present)</td>
<td>263.6</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>527.2</td>
<td>2. ADRIANNE TILLER (Idaileen Reyes)</td>
<td>263.6</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SCHUK TOAK</td>
<td>1. ANTHONY J. FRANCISCO JR. (Teresa F. Donahue)</td>
<td>92.85</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>185.7</td>
<td>2. QUINTIN C. LOPEZ (Agaes V. Joaquin)</td>
<td>92.85</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SAN XAVIER</td>
<td>1. DANIEL L.A. PRESTON III (Absent) (Felicia Nunez) (Present)</td>
<td>116.15</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>232.3</td>
<td>2. JANICE FELIX</td>
<td>116.15</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SAN LUCY</td>
<td>1. JANA MONTANA (Absent) (Diana Manuel) (Present)</td>
<td>115.55</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>231.1</td>
<td>2. GLORIA RAMIREZ (Lorraine Eiler)</td>
<td>115.55</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PISINEMO</td>
<td>1. CHESTER ANTOINE (Absent) (Caroline D. Garcia) (Present)</td>
<td>112.95</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>225.9</td>
<td>2. MONICA K. MORGAN (Loretta Lewis)</td>
<td>112.95</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HICKIWAN</td>
<td>1. LOUIS R. LOPEZ (Absent) (Shirley Molina) (Present)</td>
<td>104.5</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>209.0</td>
<td>2. SANDRA D. ORTEGA</td>
<td>104.5</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GUVO</td>
<td>1. GRACE MANUEL</td>
<td>128.45</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>256.9</td>
<td>2. DALLAS LEWIS (Nacho Flores)</td>
<td>128.45</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GUACHI</td>
<td>1. TIMOTHY L. JOAQUIN (Louis L. Johnson)</td>
<td>135.45</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>270.9</td>
<td>2. LORETTA LEWIS (Victoria Hobbs)</td>
<td>135.45</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CHUKUT KUK</td>
<td>1. BILLMAN LOPEZ (Patricia Antone)</td>
<td>168.85</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>337.7</td>
<td>2. VIVIAN JUAN-SAUNDERS (Juanita Homer)</td>
<td>168.85</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BABOQUIVARI</td>
<td>1. FRANCES MIGUEL (Absent) (Roberta E. Harvey) (Present)</td>
<td>186.05</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>372.1</td>
<td>2. LEANDER MASE (Francine Schooling)</td>
<td>186.05</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TOTAL: 3,084.6    2,875.6  -0-  209.0  [04]