

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving a Construction Contract between the Tohono O'odham Nation and  
Granite Construction Company)**

**RESOLUTION NO. 21-162**

1 **WHEREAS,** the Tohono O'odham Legislative Council is vested with the authority to “consult,  
2 negotiate and conclude agreements and contracts on behalf of the Tohono  
3 O'odham Nation with Federal, State and local governments and other Indian  
4 tribes or their departments, agencies, or political subdivisions, or with private  
5 persons or organizations on all matters within the authority of the Tohono  
6 O'odham Council” (Constitution of the Tohono O'odham Nation, Article VI,  
7 Section 1(f)); and

8 **WHEREAS,** the Tohono O'odham Legislative Council is further authorized “to manage any  
9 funds within the exclusive control of the Tohono O'odham Nation . . . and to  
10 appropriate these funds for the benefit of the nation and its members” provided  
11 that “[a]ll expenditures of these funds shall be pursuant to appropriations or  
12 budgets” authorized by resolution or ordinance (Constitution of the Tohono  
13 O'odham Nation, Article VI, Section 1(d)(2)); and

14 **WHEREAS,** in January 2021, the Tohono O'odham Legislative Council by Resolution No. 21-  
15 011 approved an appropriation to establish the Water Resources Department  
16 Water Revenue Budget, in order to construct a flood mitigation levee to protect  
17 the Community of Vamori; and

18 **WHEREAS,** in November 2018, the Chukut Kuk District Council approved Resolution No.  
19 2018-50, “Supporting the Vamori Wash Flood Mitigation Project and Vamori  
20 Community’s Selection of Alternative 2 to Mitigate Future Flooding of the Vamori  
21 Community,” which incorporated the Vamori Community’s November 9, 2018  
22 letter of support; and

23 **WHEREAS,** in FY 2019, under a Water Resources Department engineering contract, JE Fuller  
24 Hydrology & Geomorphology, Inc. completed the Vamori Wash Flood Mitigation  
25 Project design for the Vamori Community; and

26 **WHEREAS,** in a bidding process conducted by the Tohono O'odham Nation Accounting  
27 Department, Granite Construction Company was awarded the construction  
28 contract (“Contract”) in the final total amount of \$2,565,011.25, which the  
29 Contract and Addendum with other exhibits, are incorporated by these  
30 references; and

31 **WHEREAS,** the Contract contains a partial waiver of the Nation's sovereign immunity in  
32 paragraph 1 of the Addendum to the Contract; and  
33

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**(Approving a Construction Contract between the Tohono O'odham Nation and Granite Construction Company)**

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1 **WHEREAS, the Water Resources Committee has reviewed the Construction Contract and**  
2 **Addendum between the Tohono O'odham Nation and Granite Construction**  
3 **Company and recommends approval.**

4 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**  
5 **Construction Contract between the Tohono O'odham Nation and Granite**  
6 **Construction Company and Addendum for the Vamori Wash Flood Mitigation**  
7 **Project in the final total amount of \$2,565,011.25.**

8 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council authorizes the partial**  
9 **waiver of the Nation's sovereign immunity solely limited to the terms provided for**  
10 **under paragraph 1 of the Addendum to the Contract.**

11 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council authorizes the Nation's**  
12 **chairperson or any designated official to sign and execute the Contract and**  
13 **Addendum substantially in the form attached, provided that any amendments to**  
14 **the Contract or Addendum shall be submitted for prior approval by the Tohono**  
15 **O'odham Legislative Council.**


16 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 25<sup>TH</sup>**  
17 **day of MAY, 2021 at a meeting at which a quorum was present with a vote of 3,175.7 FOR; -0-**  
18 **AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**  
19 **Article VI, Section 1(d)(2)and(f) of the Constitution of the Tohono O'odham Nation, adopted by**  
20 **the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**  
21 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**  
22 **18, 1934 (48 Stat.984).**

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24 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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29 **Timothy Joaquin, Legislative Chairman**

30 25 day of May, 2021

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32 **ATTEST:**

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36 **Evonne Wilson, Legislative Secretary**

37 25 day of May, 2021

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40 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**  
41 **O'odham Nation on the 25 day of May, 2021 at 3:10 o'clock, P.m.,**  
42 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**  
43 **effective upon his approval or upon his failure to either approve or disapprove it within 48**  
44 **hours of submittal.**

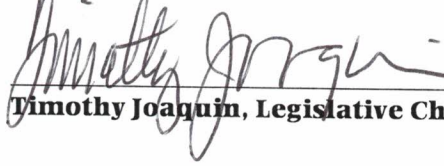
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TOHONO O'ODHAM LEGISLATIVE COUNCIL

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

APPROVED

on the 25 day of May, 2021

DISAPPROVED

at 4:00 o'clock, P.m.

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

Returned to the Legislative Secretary on the 25 day of

May, 2021, at 4:27 o'clock, P.m.

  
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Evonne Wilson, Legislative Secretary

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**ACTION: APPROVING A CONSTRUCTION CONTRACT BETWEEN THE TOHONO O'ODHAM NATION AND GRANITE CONSTRUCTION COMPANY**

**Moved: COUNCILMAN DANIEL L.A. PRESTON III**

**SECOND: COUNCILWOMAN ALBERTA J. RAY**

**DATE: MAY 25, 2021**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 384.8	1. LEANDER MASE (Francine Schooling)	192.40	X			
	2. ALBERTA J. RAY (Frances G. Antone)	192.40	X			
CHUKUT KUK 347.5	1. VIVIAN JUAN-SAUNDERS (Juanita Homer)	173.75	X			
	2. MARLAKAY HENRY (Billman Lopez)	173.75	X			
GUACHI 279.3	1. VICTORIA HOBBS ( )	139.65	X			
	2. TIMOTHY L. JOAQUIN ( )	139.65	X			
GUVO 264.5	1. DALLAS LEWIS (Nacho Flores)	132.25	X			
	2. GRACE MANUEL ( )	132.25	X			
HICKIWAN 213.8	1. SANDRA D. ORTEGA ( )	106.90	X			
	2. LOUIS R. LOPEZ (Delma M. Garcia)	106.90	X			X
PISINEMO 230.7	1. MONICA K. MORGAN ( )	115.35	X			X
	2. MARIETTA MARTIN ( )	115.35	X			
SAN LUCY 235.6	1. GLORIA RAMIREZ ( )	117.80	X			
	2. JANA MONTANA (Lorraine M. Eiler)	117.80	X			
SAN XAVIER 238.9	1. JANICE FELIX (Adam Andrews)	119.45	X			
	2. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	119.45	X			
SCHUK TOAK 189.0	1. QUINTIN C. LOPEZ (Agnes V. Joaquin)	94.50	X			X
	2. TERESA F. DONAHUE (Alberta Espinoza)	94.50	X			
SELLS 547.1	1. EVELYN JUAN MANUEL ( )	273.55	X			
	2. ARTHUR WILSON ( )	273.55	X			
SIF OIDAK 244.5	1. LUCINDA ALLEN (Yolonda Garcia)	122.25	X			
	2. MARY LOPEZ (Ann M. Garcia)	122.25	X			
<b>TOTAL</b>		<b>3,175.7</b>	<b>3,175.7</b>	<b>-0-</b>	<b>-0-</b>	<b>[03]</b>