

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL,
(Approving FY 2021 Contract between the Tohono O'odham Nation, Kroll, and
McDonald Hopkins LLC for the Judicial Branch)**

RESOLUTION NO. 21-204

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

6 **WHEREAS, the Judicial Branch has prepared and submitted for review and approval the FY**
7 **2021 Contract between the Tohono O'odham Nation, Kroll, and McDonald**
8 **Hopkins LLC ("Contract") to provide information security services to the Judicial**
9 **Branch for the period October 1, 2020 through September 30, 2021, with an option**
10 **to extend the Contract to September 30, 2022; and**

11 **WHEREAS, fees for services for this Contract will be paid by the Tohono O'odham Nation's**
12 **insurance coverage and the FY 2021 Judicial Branch Operating Budget; and**

13 **WHEREAS, under Section 12 Governing Law and Dispute Resolution, the Nation agrees to**
14 **binding arbitration governed by the laws of New York, which is a waiver of the**
15 **Nation's sovereign immunity; and**

16 **WHEREAS, "any agreement waiving the Nation's sovereign immunity" requires Legislative**
17 **Council approval (26 T.O.C. Chapter 1, Article 4, Section 1402(B)); and**

18 **WHEREAS, the Judiciary and Domestic Affairs Committees have reviewed the Contract and**
19 **recommend approval.**

20 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
21 **FY 2021 Contract between the Tohono O'odham Nation, Kroll, and McDonald**
22 **Hopkins LLC in the amount of \$85,000.00 effective October 1, 2020 through**
23 **September 30, 2021, with an option to extend the Contract to September 30, 2022.**

24 **BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that the Contract shall**
25 **be funded by the Nation's insurance coverage and the FY 2021 Judicial Branch**
26 **Operating Budget.**

27 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council approves the waiver of**
28 **sovereign immunity solely limited to the terms under Section 12 of the Contract.**

29 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the Chief Judge or in**
30 **his absence the Deputy Chief Judge is authorized to execute the Contract in**
31 **substantially the form attached, provided that any amendments shall be**
32 **submitted for prior approval by the Tohono O'odham Legislative Council.**

RESOLUTION NO. 21-204

(Approving FY 2021 Contract between the Tohono O'odham Nation, Kroll, and McDonald Hopkins LLC for the Judicial Branch)

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 16TH day of JUNE, 2021 at a meeting at which a quorum was present with a vote of 3,001,4 FOR; -0- AGAINST; -0- NOT VOTING; and 216.6 [02] ABSENT, pursuant to the powers vested in the Council by Article VI, Sections 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'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin
Timothy Joaquin, Legislative Chairman
21 day of June, 2021

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary
21 day of June, 2021

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 21 day of June, 2021 at 4:00 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 22 day of June, 2021

DISAPPROVED

at 10:00 o'clock, A.M.

Ned Norris Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 22 day of

June, 2021, at 11:27 o'clock, A.M.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: APPROVING FY 2021 CONTRACT BETWEEN THE TOHONO O'ODHAM NATION, KROLL, AND MCDONALD HOPKINS LLC FOR THE JUDICIAL BRANCH

MOVED: COUNCILWOMAN MARLAKAY HENRY

SECOND: COUNCILMAN LEANDER MASE

DATE: JUNE 16, 2021

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 245.6	1. MARY LOPEZ (Ann M. Garcia)	122.8	X			
	2. LUCINDA ALLEN (Francis Homewytewa)	122.8	X			
SELLS 556.5	1. ARTHUR WILSON ()	278.25	X			
	2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25	X			
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza)	95.25	X			
	2. DELISA M. RAMON (Sharon A. Francisco)	95.25	X			
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	121.3	X			
	2. JANICE FELIX (Adam P. Andrews)	121.3	X			
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eiler)	121.9	X			
	2. ROGER MANUEL (Christina Andrews)	121.9	X			
PISINEMO 232.7	1. MARIETTA MARTIN ()	116.35	X			
	2. EDWARD D. MANUAL (Monica Morgan)	116.35	X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ ()	108.3				X
	2. SANDRA D. ORTEGA (Absent) (Delma M. Garcia) (Present)	108.3				X
GU VO 270.7	1. GRACE MANUEL ()	135.35	X			
	2. CYNTHIA SAAVEDRA (DALLAS LEWIS)	135.35	X			
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN ()	139.25	X			
	2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25	X			
CHUKUT KUK 351.6	1. MARLAKAY HENRY (Billman Lopez)	175.8	X			
	2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8	X			
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone)	194.45	X			
	2. LEANDER MASE (Francine Schooling)	194.45	X			
TOTAL		3,218.0	3,001.4	-0-	-0-	216.6 [02]