

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving FY 2021 Radio Use Agreement Between the Tohono O'odham
Nation and Drexel Heights Fire District)**

RESOLUTION NO. 21-424

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Legislative Council with
2 the power "to promote, protect, and provide for...general welfare of the Tohono
3 O'odham Nation and its members" and "[t]o consult, negotiate and conclude
4 agreements and contracts on behalf of the Tohono O'odham Nation with Federal,
5 State and local governments...on all matters within the authority of the Tohono
6 O'odham Council." (Constitution, Article VI, Section 1(c)(2) and Section 1(f); and

7 **WHEREAS,** the Tohono O'odham Nation Fire Department has submitted for approval the FY
8 2021 Radio Use Agreement Between the Tohono O'odham Nation and Drexel
9 Heights Fire District, which is attached and incorporated by this reference, for
10 the period October 1, 2020 to September 30, 2021; and

11 **WHEREAS,** the FY 2021 Radio Use Agreement will allow Drexel Heights Fire District to act as a
12 billing administrator for the Nation's use of PCWIN radio equipment in San
13 Xavier District; and

14 **WHEREAS,** the Agreement requires a partial waive of sovereign immunity to allow for
15 indemnification of the parties and the application of state. Local and federal laws
16 and regulations; and

17 **WHEREAS** pursuant to 26 Tohono O'odham Code Chapter I Article 4 – Contracting and
18 Procurement Authority, the Nation's chairperson is the designated signatory and
19 official representative of the Nation on all contracts and agreements; and

20 **WHEREAS** the Domestic Affairs Committee has reviewed the Radio Use Agreement and
21 recommends its approval.

22 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council approves the
23 partial waiver of sovereign immunity in the Agreement; and

24 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council approves the FY 2021
25 Radio Use Agreement Between the Tohono O'odham Nation and Drexel Heights
26 Fire District substantially in the form attached.

27 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 15TH**
28 **day of NOVEMBER, 2021 at a meeting at which a quorum was present with a vote of 3,218.0 FOR;-**
29 **0- AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by,**
30 **Article VI, Section 1(c)(2) and 1(f) of the Constitution of the Tohono O'odham Nation, adopted by**
31 **the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
32 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
33 **18, 1934 (48 Stat.984).**
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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin

Timothy Joaquin, Legislative Chairman

19 day of November, 2021

ATTEST:

Evonne Wilson

Evonne Wilson, Legislative Secretary

19 day of November, 2021

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 19 day of November, 2021 at 2:32 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 November, 2021

DISAPPROVED

at 10:44 o'clock, a.m.

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

Returned to the Legislative Secretary on the 23 day of

November, 2021, at 10:12 o'clock, a.m.

Evonne Wilson

Evonne Wilson, Legislative Secretary

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ACTION: APPROVING FY 2021 RADIO USE AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION AND DREXEL HEIGHTS FIRE DISTRICT

MOVED: COUNCILWOMAN JANICE FELIX

SECOND: COUNCILWOMAN GRACE MANUEL

DATE: NOVEMBER 15, 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			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			X
GU VO 270.7	1. GRACE MANUEL ()	135.35	X			
	2. CYNTHIA SAAVEDRA (Absent) (Dallas Lewis) (Present)	135.35	X			X
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN ()	139.25	X			
	2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25	X			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	3,218.0	-0-	-0-	[04]