

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the First Things First Intergovernmental Agreement between the Tohono O'odham Nation Regional Partnership Council, Arizona Early Childhood Development and Health Board, and the Tohono O'odham Nation)

RESOLUTION NO. 23-454

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

7 **WHEREAS, the Tohono O'odham Nation recognizes and prioritizes the importance of health,**
8 **education, and general wellbeing of its children; and**

9 **WHEREAS, in 2006, Arizona voters passed proposition 203 to create the First Things First**
10 **Initiative, which increases the quality and accessibility of early childhood**
11 **programs that help ensure that all Arizona children enter school healthy and**
12 **ready to learn; and**

13 **WHEREAS, the First Things First Intergovernmental Agreement (“IGA”), incorporated by this**
14 **reference, provides the Tohono O'odham Nation with funding, updates the**
15 **Standards of Practice, and renews the term of agreement from July 1, 2023**
16 **through June 30, 2024, with the option to renew this Agreement for up to three (3)**
17 **additional twelve (12) month extensions; and**

18 **WHEREAS, as written, the IGA states that the Nation “agree[s] to use arbitration to resolve [a]**
19 **dispute to the extent required under Arizona Revised Statute § 12-1518 and not**
20 **otherwise prohibited by law,” but that this provision does not require the Nation**
21 **to litigate in Arizona Superior Courts; and**

22 **WHEREAS, since the arbitration provision does not require litigation in Arizona Superior**
23 **Courts, the Nation does not explicitly waive its sovereign immunity under the IGA;**
24 **and**

25 **WHEREAS, Legislative Council is nonetheless aware that by entering the IGA, the Nation**
26 **subjects itself to Arizona law and that a federal court or other jurisdiction may**
27 **find that the arbitration provision contains an implicit waiver of sovereign**
28 **immunity; and**

29 **WHEREAS, the Health and Human Services Committee has reviewed the First Things First**
30 **IGA and recommends its approval.**

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1 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
2 **First Things First Intergovernmental Agreement between the Tohono O'odham**
3 **Nation Regional Partnership Council, Arizona Early Childhood Development and**
4 **Health Board, and the Tohono O'odham Nation and authorizes the Tohono**
5 **O'odham Nation Chairperson to execute it in substantially the form attached,**
6 **provided that any amendment to the IGA be submitted to the Legislative Council**
7 **for prior approval.**

8 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 05TH**
9 **day of DECEMBER 2023 at a meeting at which a quorum was present with a vote of 3,263.3 FOR;**
10 **-0- AGAINST; -0- NOT VOTING; and -0- ABSENT, pursuant to the powers vested in the Council by**
11 **Article VI, Section 1(f) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono**
12 **O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
13 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934**
14 **(48 Stat.984).**

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16 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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20 **Wavalene M. Saunders, Legislative Chairwoman**

21 8 day of December, 2023

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25 **ATTEST:**

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28 **Evonne Wilson, Legislative Secretary**

29 8 day of December, 2023

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32 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
33 **O'odham Nation on the 8 day of December, 2023 at 11:51 o'clock, a .m.,**
34 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
35 **effective upon his approval or upon his failure to either approve or disapprove it within 48**
36 **hours of submittal.**

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38 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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42 **Wavalene M. Saunders, Legislative Chairwoman**

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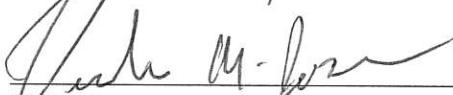
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APPROVED

on the 11 day of December, 2023

DISAPPROVED

at 1:46 o'clock, p.m.



**VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 11 day of

December, 2023, at 2:01 o'clock, p.m.



Evonne Wilson, Legislative Secretary

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ACTION: APPROVING THE FIRST THINGS FIRST INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION REGIONAL PARTNERSHIP COUNCIL, ARIZONA EARLY CHILDHOOD DEVELOPMENT AND HEALTH BOARD, AND THE TOHONO O'ODHAM NATION

MOVED: COUNCILMAN TIMOTHY L. JOAQUIN

SECOND: COUNCILMAN DANIEL L.A. PRESTON III

DATE: DECEMBER 05, 2023

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 394.2	1. LEANDER MASE (Francine Schooling) 2. JESSE NAVARRO (Alberta J. Ray)	197.1 197.1	X X			
CHUKUT KUK 354.7	1. VIVIAN JUAN-SAUNDERS (<i>Absent</i>) (Cornelius Antone) (<i>Present</i>) 2. MARLAKAY HENRY ()	177.35 177.35	X X			
GUACHI 282.7	1. VICTORIA HOBBS (Tonya L. Joaquin) 2. TIMOTHY L. JOAQUIN (Jerome L. Joaquin)	141.35 141.35	X X			
GU VO 276.0	1. DALLAS LEWIS () 2. LESLIE LUNA (<i>Absent</i>) (Grace Manuel) (<i>Present</i>)	138.0 138.0	X X			
HICKIWAN 220.5	1. DELMA M. GARCIA () 2. LOUIS R. LOPEZ (Loretta A. Ortega)	110.25 110.25	X X			
PISINEMO 236.2	1. EDWARD D. MANUEL (Monica Morgan) 2. PAMELA J. BENAVIDEZ (Nora J. Ruelas)	118.1 118.1	X X			
SAN LUCY 257.6	1. ROGER MANUEL (Christina Andrews) 2. GLORIA M. RAMIREZ (Lorraine M. Eiler)	128.8 128.8	X X			
SAN XAVIER 244.5	1. JANICE FELIX () 2. DANIEL L.A. PRESTON III ()	122.25 122.25	X X			
SCHUK TOAK 191.8	1. DELISA M. RAMON (Sharon A. Francisco) 2. THEORIA CAMPILLO (Rebecca Ann Valentine)	95.9 95.9	X X			
SELLS 558.0	1. EVELYN JUAN MANUEL (Arvada Liston) 2. JANET B. ELEANDO ()	279.0 279.0	X X			
SIF OIDAK 247.1	1. LUCINDA ALLEN (Francis Homewytewa) 2. WAVALENE M. SAUNDERS (<i>Absent</i>) (Mary Lopez) (<i>Present</i>)	123.55 123.55	X X			
TOTAL		3,263.30	3,263.3	-0-	-0-	-0-