

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving Contract between the Tohono O'odham Nation and  
Canyon Building and Design LLC)**

**RESOLUTION NO. 24-043**

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

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

12 **WHEREAS,** in a bidding process conducted by the Judicial Branch in January 2023, the  
13 Judicial Branch selected the construction firm Canyon Building and Design LLC  
14 (Canyon) to construct the New Adult and Juvenile Program Building (Probation  
15 Building); and

16 **WHEREAS,** the Tohono O'odham Nation's Judicial Branch desires to contract with Canyon for  
17 construction of the Probation Building; and

18 **WHEREAS,** the Judicial Branch submitted the construction contract, consisting of all of the  
19 documents enumerated in AIA Documents A101-2017 and A201-2007 (Contract)  
20 for review and approval; and

21 **WHEREAS,** the Contract includes a binding arbitration clause, which requires a limited waiver  
22 of the Nation's sovereign immunity; and

23 **WHEREAS,** Canyon proposes to charge \$3,145,383.73 for the construction of the Probation  
24 Building; and

25 **WHEREAS,** the Judicial Branch proposes to pay this amount from the Judicial Branch's  
26 American Rescue Plan Act Budget, passed by Resolution No. 22-070 ("ARPA  
27 funds") and the Probation Building Budget; and

28 **WHEREAS,** this Contract exceeds the amount the Chief Judge is authorized to negotiate,  
29 execute, and conclude under 26 Tohono O'odham Code Chapter 1, Article 4,  
30 Section 1404(B) of the Nation's Code, and therefore, Legislative Council approval  
31 is required; and

32 **WHEREAS,** the Nation's Judiciary Committee has reviewed the Contract and recommends its  
33 approval.



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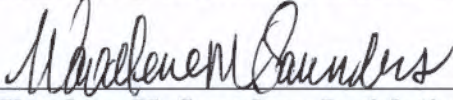
1 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council approves  
2 the FY 2023 Contract between the Tohono O'odham Judicial Branch and Canyon  
3 Building and Design, LLC, for a one-time cost of \$3,145,383.73 for construction  
4 of the Probation Building which will be paid for with ARPA funds and the  
5 Probation Building Budget.

6 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council approves a partial  
7 waiver of the Nation's sovereign immunity solely limited to the terms of Article 6  
8 of AIA Document A101-2017 and Section 15.4 of AIA Document A-201-2007.  
9 Except for these sections, nothing is to be interpreted as an express or implied  
10 waiver of the Judicial Branch's, the Tohono O'odham Nation's, or any associated  
11 Nation's employee, agent, executive, or other representative's immunity from suit  
12 in any forum or in any jurisdiction.

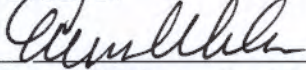
13 **BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that the Chief Judge,  
14 or his delegate, is authorized to approve and execute the FY 2023 Contract between  
15 the Tohono O'odham Judicial Branch and Canyon Building and Design, LLC, as  
16 described herein, provided that any amendments must be submitted to the Tohono  
17 O'odham Legislative Council for prior approval.

18 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12<sup>TH</sup>  
19 day of FEBRUARY 2024 at a meeting at which a quorum was present with a vote of 3,263.3  
20 **FOR; -0-AGAINST; -0- NOT VOTING; and [01] ABSENT**, pursuant to the powers vested in the  
21 Council by Article VI, Section 1(f) of the Constitution of the Tohono O'odham Nation, adopted by  
22 the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant  
23 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of  
24 June 18, 1934 (48 Stat.984).

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27 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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30 **Wavalene M. Saunders, Legislative Chairwoman**  
31 16 day of February, 2024

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36 **ATTEST:**

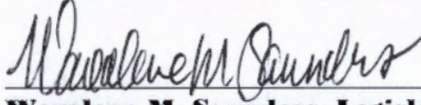
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38 \_\_\_\_\_  
39 **Evonne Wilson, Legislative Secretary**  
40 15 day of February, 2024  
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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 16 day of February, 2024 at 7:47 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**



**Wavalene M. Saunders, Legislative Chairwoman**

**APPROVED**

on the 20 day of February, 2024

**DISAPPROVED**

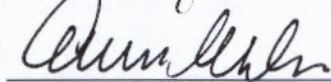
at 5:50 o'clock, P.m.



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

Returned to the Legislative Secretary on the 21 day of

February, 2024, at 12:14 o'clock, P.m.



**Evonne Wilson, Legislative Secretary**



**ACTION: APPROVING CONTRACT BETWEEN THE TOHONO O'ODHAM NATION AND CANYON BUILDING AND DESIGN LLC**

**MOVED: VICE CHAIRWOMAN MARLAKAY HENRY**

**SECOND: COUNCILMAN TIMOTHY L. JOAQUIN**

**DATE: FEBRUARY 12, 2024**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 394.2	1. LEANDER MASE (Francine Schooling)	197.1	X			
	2. JESSE NAVARRO (Alberta J. Ray)	197.1	X			
CHUKUT KUK 354.7	1. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	177.35	X			
	2. MARLAKAY HENRY ( )	177.35	X			
GU ACHI 282.7	1. VICTORIA HOBBS (Tonya L. Joaquin)	141.35	X			
	2. TIMOTHY L. JOAQUIN (Jerome L. Joaquin)	141.35	X			
GU VO 276.0	1. DALLAS LEWIS ( )	138.0	X			
	2. LESLIE LUNA (Grace Manuel)	138.0	X			
HICKIWAN 220.5	1. DELMA M. GARCIA ( )	110.25	X			X
	2. LOUIS R. LOPEZ (Loretta A. Ortega)	110.25	X			
PISINEMO 236.2	1. EDWARD D. MANUEL <i>(Absent)</i> (Monica Morgan) <i>(Present)</i>	118.1	X			
	2. PAMELA J. BENAVIDEZ (Nora J. Ruelas)	118.1	X			
SAN LUCY 257.6	1. ROGER MANUEL (Christina Andrews)	128.8	X			
	2. GLORIA M. RAMIREZ (Lorraine M. Eiler)	128.8	X			
SAN XAVIER 244.5	1. JANICE FELIX ( )	122.25	X			
	2. DANIEL L.A. PRESTON III ( )	122.25	X			
SCHUK TOAK 191.8	1. DELISA M. RAMON (Sharon A. Francisco)	95.9	X			
	2. THEORIA CAMPILLO (Rebecca Ann Valentine)	95.9	X			
SELLS 558.0	1. EVELYN JUAN-MANUEL (Arvada Liston)	279.0	X			
	2. JANET B. ELEANDO ( )	279.0	X			
SIF OIDAK 247.1	1. LUCINDA ALLEN (Francis Homewytewa)	123.55	X			
	2. WAVALENE M. SAUNDERS (Mary Lopez)	123.55	X			
<b>TOTAL</b>		<b>3,263.3</b>	<b>3,263.3</b>	<b>-0-</b>	<b>-0-</b>	<b>[01]</b>