

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving Design Phase Agreement Between the Tohono O'odham Legislative Branch**  
**and Axios Builders LLC and Granting a Limited Waiver of Sovereign Immunity)**

**RESOLUTION NO. 24-250**

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

6 **WHEREAS, the Council has prescribed the duties and powers of the Council Chairperson and**  
7 **Vice Chairperson (collectively, "legislative officers") by adopting the Legislative**  
8 **Rules and by passing Legislative Order No. 06-047, "Amended Delegation of**  
9 **Authority to Legislative Council Chairperson and Vice Chairperson"; and**

10 **WHEREAS, the Legislative Council by Resolution No. 08-707 enacted and codified Title 26,**  
11 **Article 4, Section 1405 of the Nation's Code, which vests the Legislative Council**  
12 **Chairperson with the authority to negotiate, execute, and conclude contracts that**  
13 **expend funds pursuant to appropriations or budgets authorized by resolution,**  
14 **that are within the authorities delegated to the Council Chairperson and Vice**  
15 **Chairperson by the Legislative Council, and in amounts not to exceed \$100,000;**  
16 **and**

17 **WHEREAS, the Legislative Council by Resolution No. 22-311 approved the FY 2022-FY 2025**  
18 **Legislative Branch American Rescue Plan Act Budget, which includes funding to**  
19 **cover costs associated with the construction of the Legislative Branch**  
20 **replacement building; and**

21 **WHEREAS, the Legislative Council chairperson has selected Axios Builders LLC for the design**  
22 **phase of the Legislative Branch replacement building; and**

23 **WHEREAS, the Design Phase Agreement Between the Tohono O'odham Legislative Branch**  
24 **and Axios Builders LLC ("the Agreement"), which is incorporated by this**  
25 **reference, is for an amount not to exceed \$2,964,590.21 and contains certain**  
26 **terms and conditions that require a limited waiver of the Legislative Branch's**  
27 **sovereign immunity pursuant to § 15.1.2. of the Agreement; and**

28 **WHEREAS, the Legislative Council officers have reviewed the Agreement with the advice of a**  
29 **construction law attorney from Quarles and Brady LLP, including the limited**  
30 **waiver of the Legislative Branch's sovereign immunity, and recommend its**  
31 **approval.**

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**(Approving Design Phase Agreement Between the Tohono O'odham Legislative Branch and Axios Builders LLC and Granting a Limited Waiver of Sovereign Immunity)**

**Page 2 of 3**

1 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council approves the  
2 **Design Phase Agreement Between the Tohono O'odham Legislative Branch and**  
3 **Axios Builders LLC in substantially the form attached and in an amount not to**  
4 **exceed \$2,964,590.21.**


5 **BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that the Agreement shall  
6 **be funded by the Legislative Branch American Rescue Plan Act Budget approved**  
7 **by Resolution No. 22-311.**

8 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council approves a limited  
9 **waiver of the Legislative Branch's sovereign immunity consistent with the**  
10 **Agreement's terms.**


11 **BE IT FINALLY RESOLVED** that the Tohono O'odham Legislative Council authorizes the  
12 **Legislative Council chairperson to execute the Design Phase Agreement Between**  
13 **the Tohono O'odham Legislative Branch and Axios Builders LLC.**

14 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07<sup>TH</sup>**  
15 **day of AUGUST 2024 at a meeting at which a quorum was present with a vote of 3,263.3 FOR; -0-**  
16 **AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**  
17 **Article VI, Section 1(f) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono**  
18 **O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**  
19 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934**  
20 **(48 Stat.984).**

21  
22 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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24   
25 **Wavalene M. Saunders, Legislative Chairwoman**  
26  
27 12<sup>th</sup> day of August, 2024

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31 **ATTEST:**

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34 **Evonne Wilson, Legislative Secretary**  
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36 9 day of August, 2024

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38 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**  
39 **O'odham Nation on the 12<sup>th</sup> day of August, 2024 at 11:27 o'clock, a .m.,**  
40 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**  
41 **effective upon his approval or upon his failure to either approve or disapprove it within 48**  
42 **hours of submittal.**  
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44

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**Page 3 of 3**

**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

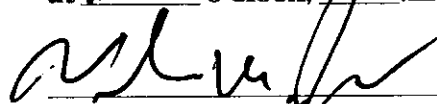
  
Wavalene M. Saunders, Legislative Chairwoman

APPROVED

on the 14 day of August, 2024

DISAPPROVED

at 11:00 o'clock, 11 .m.

  
VERLON M. JOSE, CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 14 day of  
August, 2024, at 11:35 o'clock, A.m.

  
Evonne Wilson, Legislative Secretary

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**ACTION: APPROVING DESIGN PHASE AGREEMENT BETWEEN THE TOHONO O'ODHAM LEGISLATIVE BRANCH AND AXIOS BUILDERS LLC AND GRANTING A LIMITED WAIVER OF SOVEREIGN IMMUNITY**

**MOVED: VICE CHAIRWOMAN MARLAKAY HENRY**

**SECOND: COUNCILWOMAN JANICE FELIX**

**DATE: AUGUST 07, 2024**

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			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			X
GU ACHI 282.7	1. VICTORIA HOBBS (Tonya L. Joaquin) 2. JEROME F. JOAQUIN ( )	141.35 141.35	X X			
GU VO 276.0	1. DALLAS LEWIS ( ) 2. LESLIE LUNA ( )	138.0 138.0	X 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 <i>(Absent)</i> (Lorraine M. Eiler) <i>(Present)</i>	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 (Mary Lopez)	123.55 123.55	X X			
<b>TOTAL</b>		<b>3,263.30</b>	<b>3,263.3</b>	<b>-0-</b>	<b>-0-</b>	<b>[03]</b>