

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Design-Build Agreement Between the Tohono O'odham Nation and AXIOS
Builders, LLC and Granting a Limited Waiver of Sovereign Immunity)**

RESOLUTION NO. 24-430

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power “[t]o consult,**
2 **negotiate and conclude agreements and contracts on behalf of the Tohono**
3 **O'odham Nation . . . with private persons or organizations on all matters within**
4 **the authority of the Tohono O'odham Council”; “to manage any funds within the**
5 **exclusive control of the Tohono O'odham Nation . . . and to appropriate these**
6 **funds for the benefit of the nation and its members” provided that “[a]ll**
7 **expenditures of these funds shall be pursuant to appropriations or budgets**
8 **authorized under resolutions or in accordance with ordinances of the Tohono**
9 **O'odham Council”; and to provide resolutions “to promote, protect and provide**
10 **for public health, peace, morals, education and general welfare of the Tohono**
11 **O'odham Nation and its members” (Constitution of the Tohono O'odham Nation,**
12 **Article VI, Sections 1(f), d(2) and (c)(2); and**

13 **WHEREAS, the Tohono O'odham Nation Department of Public Safety has selected AXIOS**
14 **Builders, LLC to design and build a new fire and police substation to be located on**
15 **the west side of the Tohono O'odham Nation; and**

16 **WHEREAS, the Tohono O'odham Nation has negotiated a design-build agreement between**
17 **the Tohono O'odham Nation and AXIOS Builders, LLC, which provides that AXIOS**
18 **Builders, LLC shall be compensated in the amount of and not to exceed**
19 **\$5,940,000.00 and contains certain terms and conditions that require a limited**
20 **waiver of the Tohono O'odham Nation's sovereign immunity; and**

21 **WHEREAS, the Tohono O'odham Nation received funding from the United States' American**
22 **Rescue Plan (“Recovery Funds”) established by the American Rescue Plan Act of**
23 **2021; and**

24 **WHEREAS, the FY 2022 Executive Branch American Rescue Plan Act Budget in the amount of**
25 **\$170,056,409.00 to be funded by the Recovery Funds was approved by Resolution**
26 **No. 22-077 and subsequently amended by Resolution No. 22-397 to the amount of**
27 **\$163,072,609.00 as well as Resolution No. 24-399 to the amount of \$157,153,804.10;**
28 **and**

29 **WHEREAS, the design-build agreement between the Tohono O'odham Nation and AXIOS**
30 **Builders, LLC is to be funded by the FY 2022 Executive Branch American Rescue**
31 **Plan Act Budget approved by Resolution No. 22-077 and amended by Resolution**
32 **Nos. 22-397 and 24-399; and**

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1 **WHEREAS, the Domestic Affairs Committee has reviewed the design-build agreement**
2 **between the Tohono O'odham Nation and AXIOS Builders, LLC and recommends**
3 **its approval.**

4 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
5 **design-build agreement between the Tohono O'odham Nation and AXIOS**
6 **Builders, LLC.**

7 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council approves a limited**
8 **waiver of the Tohono O'odham Nation's sovereign immunity consistent with the**
9 **terms of the design-build agreement between the Tohono O'odham Nation and**
10 **AXIOS Builders, LLC.**

11 **BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that the design-build**
12 **agreement between the Tohono O'odham Nation and AXIOS Builders, LLC shall be**
13 **funded by the FY 2022 Executive Branch American Rescue Plan Act Budget**
14 **approved by Resolution No. 24-399.**

15 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the Tohono O'odham**
16 **Nation chairperson or any designated official is authorized to execute the design-**
17 **build agreement between the Tohono O'odham Nation and AXIOS Builders, LLC**
18 **substantially in the form attached hereto provided that any amendments shall be**
19 **submitted for prior approval by the Tohono O'odham Legislative Council.**

20 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11TH**
21 **day of DECEMBER 2024 at a meeting at which a quorum was present with a vote of 3,263.30 FOR;**
22 **-0- AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
23 **Article VI, Sections 1(c)(2), d(2), and (f) of the Constitution of the Tohono O'odham Nation,**
24 **adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy**
25 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the**
26 **Act of June 18, 1934 (48 Stat.984).**

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30 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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

34
35 16TH day of December, 2024
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ATTEST:

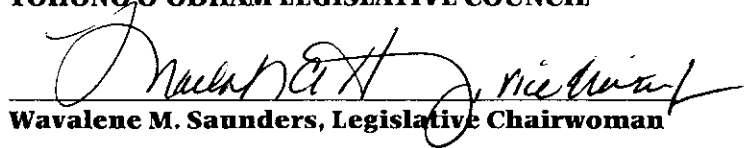


Evonne Wilson, Legislative Secretary

13 day of December, 2024

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 16th day of December, 2024 at 8:48 o'clock, A.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

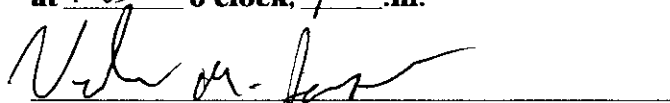

Wavalene M. Saunders, Legislative Chairwoman

APPROVED

on the 16 day of December, 2024

DISAPPROVED

at 1:05 o'clock, P.m.


VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 17 day of

December, 2024, at 10:33 o'clock, A.m.


Evonne Wilson, Legislative Secretary

ACTION: APPROVING DESIGN-BUILD AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION AND AXIOS BUILDERS, LLC AND GRANTING A LIMITED WAIVER OF SOVEREIGN IMMUNITY

Moved: COUNCILMAN LEANDER MASE

SECOND: COUNCILWOMAN JANICE FELIX

DATE: DECEMBER 11, 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			
CHUKUT KUK 354.7	1. VIVIAN JUAN-SAUNDERS (Cornelius Antone) 2. MARLAKAY HENRY ()	177.35 177.35	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 () 2. PAMELA J. BENAVIDEZ (Nora J. Ruelas)	118.1 118.1	X X			
SAN LUCY 257.6	1. ROGER MANUEL <i>(Absent)</i> (Christina Andrews) <i>(Present)</i> 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 <i>(Absent)</i> (Sharon A. Francisco) <i>(Present)</i> 2. THEORIA CAMPILLO (Rebecca Ann Valentine)	95.9 95.9	X 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. FRANCIS HOMEWYTEWA () 2. WAVALENE M. SAUNDERS (Mary Lopez)	123.55 123.55	X X			X
TOTAL		3,263.30	3,263.3	-0-	-0-	[03]