

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Memorandum of Agreement Between the Tohono O'odham Nation
Executive Branch and Recipient For Fiscal Recovery Fund Projects and
Authorizing and Directing ARPA Team to Administer Recovery Funds)**

RESOLUTION NO. 24-433

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

7 **WHEREAS,** the Tohono O'odham Nation ("Nation") received funding from the United States'
8 American Rescue Plan ("Recovery Funds") established by the American Rescue
9 Plan Act of 2021 ("ARPA"); and

10 **WHEREAS,** the Nation has entered agreements with its departments, branches, districts, and
11 entities to obligate Nation's Recovery Funds by the December 31, 2024 obligation
12 deadline, and the Legislative Council has approved budgets to expend Nation's
13 Recovery Funds by the December 31, 2026 expenditure deadline; and

14 **WHEREAS,** the Legislative Council has approved Recovery Funds resolutions generally
15 authorizing an ARPA team consisting of the Nation's treasurer, Grants and
16 Contracts manager, controller, ARPA supervisor, assistant controller, Chief
17 Administrative Officer, Assistant Treasurer and contract specialist ("ARPA team")
18 to administer the Nation's ARPA program; and

19 **WHEREAS,** the Office of the Attorney General in coordination with the ARPA team has
20 developed an updated, template Memorandum of Agreement Between the
21 Tohono O'odham Nation Executive Branch and the Recipient For Fiscal Recovery
22 Fund Projects, which is incorporated by this reference, to ensure that Recovery
23 Funds are obligated in accordance with federal law and regulation; and

24 **WHEREAS** the Budget and Finance Committee has reviewed the template Memorandum of
25 Agreement Between the Tohono O'odham Nation Executive Branch and the
26 Recipient For Fiscal Recovery Fund Projects and recommends that the Legislative
27 Council approve it and authorize and direct the ARPA team, with assistance from
28 the Office of the Attorney General, to finalize the agreements and ensure they are
29 timely executed.
30
31

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NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council

- (1) approves the template Memorandum of Agreement Between the Tohono O'odham Nation Executive Branch and the Recipient For Fiscal Recovery Fund Projects;**
- (2) delegates to the ARPA team authority to administer Recovery Funds consistent with the terms of the Memorandum of Agreement Between the Tohono O'odham Nation Executive Branch and the Recipient For Fiscal Recovery Fund Projects, subject to approved budgets and agreements, and provided that duly authorized Nation, district, and entity officials and personnel shall have authority to expend approved Recovery Fund budgets;**
- (3) authorizes and directs the Nation's chairperson to execute, and the ARPA team to process, the completed Memorandum of Agreement Between the Tohono O'odham Nation Executive Branch and the Recipient For Fiscal Recovery Fund Projects with all recipients as required and take other steps necessary to obligate the Nation's ARPA funds by December 31, 2024; provided that the ARPA team and Office of the Attorney General shall provide to the Nation's chairperson and Budget and Finance Committee (A) a weekly status report on the obligation of Nation's Recovery Funds until the obligation deadline has been met for all Funds, and (B) a Recovery Fund expenditure and status report monthly and upon request.**
- (4) authorizes the Nation's chief judge and Legislative Council chairperson to execute Memorandums of Agreements for Fiscal Recovery Funds for their respective branches of government in amounts previously approved by Legislative Council resolution.**

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 20TH day of DECEMBER 2024 at a meeting at which a quorum was present with a vote of 3,263.3 FOR; -0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(d)(2)and(f) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Wavalene M. Saunders
Wavalene M. Saunders, Legislative Chairwoman

23 day of December, 2024

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary

23 day of December, 2024

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 23 day of December, 2024 at 10:15 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
Wavalene M. Saunders, Legislative Chairwoman

APPROVED

on the 23 day of December, 2024

DISAPPROVED

at 1:42 o'clock, p.m.

Verlon M. Jose
VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 23 day of
December, 2024, at 4:33 o'clock, p.m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: APPROVING MEMORANDUM OF AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION EXECUTIVE BRANCH AND RECIPIENT FOR FISCAL RECOVERY FUND PROJECTS AND AUTHORIZING AND DIRECTING ARPA TEAM TO ADMINISTER RECOVERY FUNDS

Moved: VICE CHAIRWOMAN MARLAKAY HENRY

SECOND: COUNCILMAN JEROME F. JOAQUIN

DATE: DECEMBER 20, 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			
GUACHI 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			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 (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. FRANCIS HOMEWYTEWA () 2. WAVALENE M. SAUNDERS (Mary Lopez)	123.55 123.55	X X			
	TOTAL	3,263.30	3,263.3	-0-	-0-	[02]