

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

RESOLUTION NO. 25-010

- 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"
5 (Constitution, 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 September 2024, the
13 Judicial Branch selected the construction firm Canyon Building and Design LLC
14 (Canyon) to install site drainage improvements for the Judicial Branch property;
15 and
- 16 **WHEREAS,** the Tohono O'odham Nation's Judicial Branch desires to contract with Canyon for
17 installation of the site drainage improvements for the Judicial Branch property;
18 and
- 19 **WHEREAS,** the Judicial Branch submitted the construction contract, consisting of all of the
20 documents enumerated in AIA Documents A101-2017 and A201-2007 (Contract)
21 for review and approval; and
- 22 **WHEREAS,** the Contract includes a waiver of the Nation's sovereign immunity stating the
23 chosen method of binding dispute resolution shall be "Litigation in the courts of
24 the Tohono O'odham Nation"; and
- 25 **WHEREAS,** the contract amount, including contingency funding, totals \$1,967,922.24 to
26 install site drainage improvements for the Judicial Branch property; and
- 27 **WHEREAS,** the Judicial Branch proposes to pay this amount from the Judicial Branch's
28 American Rescue Plan Act Budget, passed by Resolution No. 22-070 ("ARPA
29 funds"); and
- 30 **WHEREAS,** this Contract exceeds the amount the Chief Judge is authorized to negotiate,
31 execute, and conclude under 26 Tohono O'odham Code Chapter 1, Article 4,

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1 Section 1404(B) of the Nation's Code, and therefore, Legislative Council approval
2 is required; and

3 **WHEREAS, the Judiciary Committee has reviewed the Contract and recommends its**
4 **approval.**

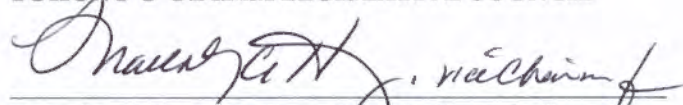
5 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
6 **FY 2025 Contract between the Tohono O'odham Judicial Branch and Canyon**
7 **Building and Design, LLC, for a cost of \$1,967,922.24 to install site drainage**
8 **improvements for the Judicial Branch property which will be paid for with ARPA**
9 **funds.**

10 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council approves a waiver of**
11 **the Nation's sovereign immunity solely limited to the terms of Article 6 of AIA**
12 **Document A101-2017 and Section 15.4 of AIA Document A201-2007. Except for**
13 **these sections, nothing herein is to be interpreted as an express or implied waiver**
14 **of the Judicial Branch's, the Tohono O'odham Nation's, or any associated Nation's**
15 **employee, agent, executive, or other representative's immunity from suit in any**
16 **forum or in any jurisdiction.**

17 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the Chief Judge, or**
18 **his delegate, is authorized to approve and execute the FY 2025 Contract between**
19 **the Tohono O'odham Judicial Branch and Canyon Building and Design, LLC, as**
20 **described herein, provided that any amendments must be submitted to the**
21 **Tohono O'odham Legislative Council for prior approval.**

22 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 14TH**
23 **day of JANUARY 2025 at a meeting at which a quorum was present with a vote of 2,771.7 FOR;**
24 **491.6 AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council**
25 **by Article VI, Section 1(f) of the Constitution of the Tohono O'odham Nation, adopted by the**
26 **Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
27 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
28 **18, 1934 (48 Stat.984).**

30 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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

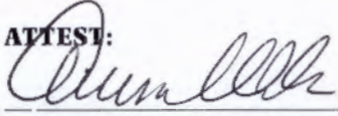
34 21st day of January, 2025
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1 ATTEST:

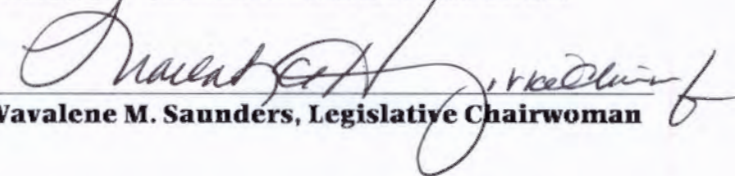
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3
4 Evonne Wilson, Legislative Secretary

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6 21 day of January, 2025

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8 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
9 O'odham Nation on the 21st day of January, 2025 at 8:50 o'clock, P.m.,
10 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
11 effective upon his approval or upon his failure to either approve or disapprove it within 48
12 hours of submittal.

13
14 TOHONO O'ODHAM LEGISLATIVE COUNCIL

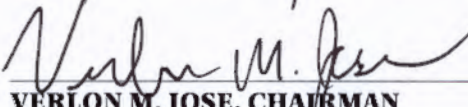
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18 Wavalene M. Saunders, Legislative Chairwoman

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23 APPROVED

24 on the 21 day of January, 2025

25 DISAPPROVED

26 at 8:45 o'clock, P.m.

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30 VERLON M. JOSE, CHAIRMAN
31 TOHONO O'ODHAM NATION

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35 Returned to the Legislative Secretary on the 22 day of

36 January, 2025, at 8:45 o'clock, A.m.

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41 Evonne Wilson, Legislative Secretary

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

MOVED: COUNCILWOMAN THEORIA CAMPILLO

SECOND: COUNCILWOMAN DELMA M. GARCIA

DATE: JANUARY 14, 2025

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 394.2	1. LEANDER MASE (<i>Absent</i>) (Francine Schooling) (<i>Present</i>) 2. JESSE NAVARRO (Alberta J. Ray)	197.1 197.1	X X			X
x	1. VIVIAN JUAN-SAUNDERS (Cornelius Antone) 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			
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			X
SAN LUCY 257.6	1. ROGER MANUEL (Christina Andrews) 2. GLORIA M. RAMIREZ (Lorraine M. Eller)	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		X
TOTAL		3,263.30	2,771.7	491.6	-0-	[04]