

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving FY 2025 Contract between the Tohono O'odham Judicial Branch and  
Canyon Building and Design LLC and Granting a Limited Waiver of  
Sovereign Immunity)**

**RESOLUTION NO. 25-059**

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,** the Judicial Branch desires to contract with Canyon Building and Design LLC for  
13 renovations of the Tohono O'odham Nation Justice Center and Juvenile Detention  
14 Facility; and

15 **WHEREAS,** the Judicial Branch has submitted for review and approval the FY 2025 Contract  
16 between the Tohono O'odham Judicial Branch and Canyon Building and Design  
17 LLC ("Contract"), consisting of all of the documents enumerated in AIA  
18 Documents A101-2017 and A201-2007; and

19 **WHEREAS,** the Contract includes a binding arbitration clause which requires a limited  
20 waiver of the Nation's sovereign immunity and is for an amount of \$10,779,999.98,  
21 including contingency funds; and

22 **WHEREAS,** the Judicial Branch proposes to pay the Contract amount from the FY 2022  
23 Judicial Branch American Rescue Plan Act Budget, which was approved by  
24 Resolution No. 22-070 and subsequently amended by Resolution Nos. 23-277 and  
25 24-233 and renamed FY 2024 Judicial Branch American Rescue Plan Act Budget;  
26 and

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

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**(Approving FY 2025 Contract between the Tohono O'odham Judicial Branch and Canyon Building and Design LLC and Granting a Limited Waiver of Sovereign Immunity)**

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1 **WHEREAS, the Judiciary Committee has reviewed the Contract, including the limited waiver**  
2 **of sovereign immunity, and recommends its approval.**

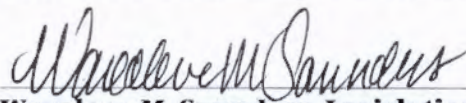
3 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**  
4 **FY 2025 Contract between the Tohono O'odham Judicial Branch and Canyon**  
5 **Building and Design LLC in the amount of \$10,779,999.98, which shall be funded**  
6 **by the FY 2024 Judicial Branch American Rescue Plan Act Budget.**

7 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council approves a partial**  
8 **waiver of the Nation's sovereign immunity solely limited to the terms of Article 6**  
9 **of AIA Document A101-2017 and Section 15.5 of AIA Document A201-2007,**  
10 **provided that except for these sections, nothing in this limited waiver shall be**  
11 **interpreted as an express or implied waiver of the Judicial Branch's, the Tohono**  
12 **O'odham Nation's, or any associated Nation's employee, agent, executive, or**  
13 **other representative's immunity from suit in any forum or in any jurisdiction.**

14 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the chief judge, or his**  
15 **official designee, is authorized to execute the FY 2025 Contract between the**  
16 **Tohono O'odham Judicial Branch and Canyon Building and Design LLC in**  
17 **substantially the form attached, provided that any amendments shall be**  
18 **submitted for prior approval by the Tohono O'odham Legislative Council.**

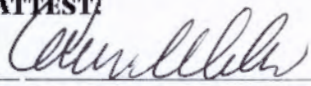
19 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 04<sup>TH</sup>**  
20 **day of MARCH 2025 at a meeting at which a quorum was present with a vote of 3,263.3 FOR;**  
21 **-0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by**  
22 **Article VI, Sections 1(d)(2) and 1(f) of the Constitution of the Tohono O'odham Nation, adopted**  
23 **by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy**  
24 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the**  
25 **Act of June 18, 1934 (48 Stat.984).**

26  
27 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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

32  
33 4 day of March, 2025

34  
35 **ATTEST:**

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37  
38 **Evonne Wilson, Legislative Secretary**

39 5 day of March, 2025  
40  
41

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 6 day of March, 2025 at 1:05 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  
Wavalene M. Saunders, Legislative Chairwoman

APPROVED

on the 7 day of March, 2025

DISAPPROVED

at 9:30 o'clock A.m.

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

Returned to the Legislative Secretary on the 7 day of  
March, 2025, at 10:25 o'clock, a.m.

Evonne Wilson  
Evonne Wilson, Legislative Secretary

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**ACTION: APPROVING FY 2025 CONTRACT BETWEEN THE TOHONO O'ODHAM JUDICIAL BRANCH AND CANYON BUILDING AND DESIGN LLC AND GRANTING A LIMITED WAIVER OF SOVEREIGN IMMUNITY****MOVED: COUNCILWOMAN GLORIA M. RAMIREZ****SECOND: COUNCILWOMAN THEORIA CAMPILLO****DATE: MARCH 04, 2025**

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			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			X
PISINEMO 236.2	1. EDWARD D. MANUEL ( ) 2. PAMELA J. BENAVIDEZ (Nora J. Ruclas)	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			
	<b>TOTAL</b>	<b>3,263.3</b>	<b>3,263.3</b>	<b>-0-</b>	<b>-0-</b>	<b>[02]</b>