

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

RESOLUTION NO. 25-157

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, 26 T.O.C. Article 4, Section 1405 vests the Legislative Council chairperson with the**
7 **authority to negotiate, execute, and conclude contracts that expend funds**
8 **pursuant to appropriations or budgets authorized by resolution, that are within**
9 **the authorities delegated to the Council chairperson and vice chairperson by the**
10 **Legislative Council, and in amounts not to exceed \$100,000; and**

11 **WHEREAS, the Legislative Council by Resolution No. 22-311 approved the FY 2022-FY 2025**
12 **Legislative Branch American Rescue Plan Act Budget, which includes funding to**
13 **cover costs associated with the construction of the Legislative Branch**
14 **replacement building, and which was subsequently amended by Resolution No.**
15 **24-362 as the FY 2025-FY 2027 Legislative Branch American Rescue Plan Act**
16 **Budget; and**

17 **WHEREAS, the Legislative Council chairperson has selected Rytan LLC to replace Axios**
18 **Builders LLC for the construction of the Legislative Branch replacement building;**
19 **and**

20 **WHEREAS, the AIA A101-2017 Standard Form of Agreement Between Owner and Contractor**
21 **and AIA A201-2017 General Conditions of the Contract for Construction between**
22 **the Tohono O'odham Legislative Branch and Rytan LLC for the replacement**
23 **building (collectively, the “Agreement”), which is incorporated by this reference,**
24 **is for an amount not to exceed \$29,405,119.18 and contains certain terms and**
25 **conditions that require a limited waiver of the Legislative Branch's sovereign**
26 **immunity pursuant to §13.1.2 of the Agreement; and**

27 **WHEREAS, the Legislative Council officers have reviewed the Agreement, including the**
28 **limited waiver of the Legislative Branch's sovereign immunity, and recommend**
29 **its approval.**

30 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
31 **Agreement between the Tohono O'odham Legislative Branch and Rytan LLC in**

RESOLUTION NO. 25-157

(Approving Construction Agreement Between the Tohono O'odham Legislative Branch and Rytan LLC and Granting a Limited Waiver of Sovereign Immunity)

Page 2 of 3

substantially the form presented to the Legislative Council and in an amount not to exceed \$29,405,119.18.

BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that the Agreement shall be funded by the FY 2022-FY 2025 Legislative Branch American Rescue Plan Act Budget, the FY 2025-FY 2027 Legislative Branch American Rescue Plan Act Budget, and the FY 2025-2027 Legislative Branch Legislative Replacement Building Supplemental Budget.

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

BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council authorizes the Legislative Council chairperson to execute the Agreement between the Tohono O'odham Legislative Branch and Rytan LLC.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 21ST day of MAY, 2025 at a meeting at which a quorum was present with a vote of 3,263.3 FOR; ~~-0-~~ AGAINST; ~~-0-~~ NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(f) and 1(d)(2) 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).

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Wavalene M. Saunders, Legislative Chairwoman

23rd day of May, 2025

ATTEST:


Evonne Wilson, Legislative Secretary

23 day of May, 2025

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 23rd day of May, 2025 at 12:59 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.

RESOLUTION NO. 25-154

(Approving Construction Agreement Between the Tohono O'odham Legislative Branch and Rytan LLC and Granting a Limited Waiver of Sovereign Immunity)

Page 3 of 3

TOHONO O'ODHAM LEGISLATIVE COUNCIL

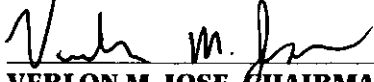

Wavalene M. Saunders, Legislative Chairwoman

☒ **APPROVED**

on the 27 day of May, 2025

☐ **DISAPPROVED**

at 8:49 o'clock, p.m.


VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 27 day of

May, 2025, at 3:11 o'clock, p.m.


Evonne Wilson, Legislative Secretary

ACTION: APPROVING CONSTRUCTION AGREEMENT BETWEEN THE TOHONO O'ODHAM LEGISLATIVE BRANCH AND RYTAN LLC AND GRANTING A LIMITED WAIVER OF SOVEREIGN IMMUNITY

MOVED: COUNCILWOMAN JANICE FELIX

SECOND: COUNCILWOMAN THEORIA CAMPILLO

DATE: MAY 21, 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			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 (Gloria Johnson)	141.35 141.35	X X			X
GU VO 276.0	1. DALLAS LEWIS () 2. LESLIE LUNA (Bennett Chewing)	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. Ruelas)	118.1 118.1	X 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			X
TOTAL		3,263.3	3,263.3	-0-	-0-	[05]