

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving an Architectural and Engineering Agreement between the Tohono
O'odham Nation and James R. Childers Architect, d.b.a. Childers Architect,
and Granting a Limited Waiver of the Nation's Sovereign Immunity)

RESOLUTION NO. 25-439

1 **WHEREAS,** the Constitution of the Tohono O'odham vests the Legislative Council with the
2 authority "to promote, protect, and provide for the public health, morals,
3 education and general welfare of the Tohono O'odham Nation and its members"
4 and "to consult, negotiate and conclude agreements and contracts on behalf of
5 the Tohono O'odham Nation with...private persons or organizations on all
6 matters within the authority of the Tohono O'odham Council" (Constitution of the
7 Tohono O'odham Nation, Article VI, Section 1(c)(2) and Section 1(f)); and
8 **WHEREAS,** the Indian Health Service ("IHS"), the Tohono O'odham Nation ("Nation"), and
9 Tohono O'odham Nation Health Care ("TONHC"), through their authorized
10 representatives, entered into a Title V Construction Project Agreement ("TVCPA")
11 for the purposes of completing the design of the new Sells Alternative Rural
12 Health Center ("Sells ARHC")(Resolution No. 24-230); and
13 **WHEREAS,** the scope of work for the design of the Sells ARHC involves the Nation providing
14 all professional architectural and engineering design services to complete the
15 design of the Sells ARHC; and
16 **WHEREAS,** the Nation issued a public solicitation and employed a competitive sealed
17 bidding process for proposals; and
18 **WHEREAS,** James R. Childers Architect, d.b.a. Childers Architect, an award winning 100%
19 Native American owned and certified business with 40 years of healthcare design
20 experience in indigenous communities nationwide, was selected by a review
21 committee to design the Sells ARHC; and
22 **WHEREAS,** the Nation's TONHC has submitted for review and approval a professional
23 architectural and engineering design services agreement between the Nation
24 and Childers Architect, consisting of AIA Document B133™-2019, Standard Form
25 Agreement Between Owner and Architect, Construction Manager as Constructor
26 Edition, ("Agreement"), which is attached as Exhibit A and incorporated by this
27 reference; and
28 **WHEREAS,** the Agreement will be funded by the FY 2025-2027 Sells Alternative Rural Health
29 Center Project I TONHC Design Budget approved by Resolution No. 24-426; and
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1 **WHEREAS, while the Agreement only addresses Childers Architect's design of the Sells ARHC,**
2 **the Nation shall expand the Agreement's scope of work to authorize Childers**
3 **Architect to complete the design of the separate staff housing quarters in support**
4 **of the Sells ARHC when the Nation receives the funding from the IHS; and**

5 **WHEREAS, Article 8 of the Agreement requires a limited waiver of the Nation's sovereign**
6 **immunity as explicitly detailed in the Agreement; and**

7 **WHEREAS, the Health and Human Services Committee has reviewed and recommends**
8 **approval of the Agreement.**

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

- 10 1. **Approves the professional architectural and engineering design services**
11 **agreement between the Nation and Childers Architect, consisting of AIA**
12 **Document B133™-2019, Standard Form Agreement Between Owner and**
13 **Architect, Construction Manager as Constructor Edition, for the Sells ARHC,**
14 **which shall include the design of separate staff housing quarters in support**
15 **of the Sells ARHC when the Nation receives the funding from the IHS, in**
16 **substantially the same form as attached in Exhibit A, provided that any**
17 **amendments of the Agreement shall be submitted for prior approval by the**
18 **Tohono O'odham Legislative Council; and**
19 2. **Grants a limited waiver of the Nation's sovereign immunity in accordance**
20 **with the explicit language contained in Article 8 of the Agreement in favor of**
21 **Childers Architect only.**

22 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the Tohono O'odham**
23 **Nation chairperson or any designated official is authorized to execute the**
24 **Agreement and any documents necessary to implement this resolution.**

25 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09TH**
26 **day of DECEMBER 2025 at a meeting at which a quorum was present with a vote of 3,321.1 FOR;**
27 **-0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by**
28 **Article VI, Section 1(c)(2) and 1(f) of the Constitution of the Tohono O'odham Nation, adopted by**
29 **the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
30 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
31 **18, 1934 (48 Stat.984).**
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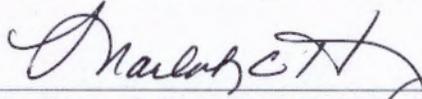
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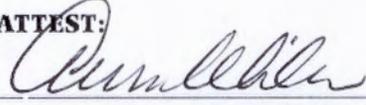
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TOHONO O'ODHAM LEGISLATIVE COUNCIL

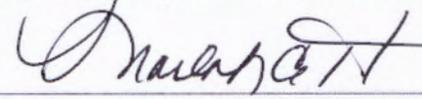

Wavalene M. Saunders, Legislative Chairwoman
11th day of December, 2025

ATTEST:


Evonne Wilson, Legislative Secretary
11 day of December, 2025

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 11th day of December, 2025 at 4:44 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

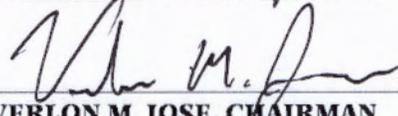

Wavalene M. Saunders, Legislative Chairwoman

APPROVED

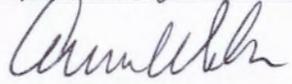
on the 11 day of December, 2025

DISAPPROVED

at 5:13 o'clock, p.m.


VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 12 day of
December, 2025, at 10:28 o'clock, a.m.


Evonne Wilson, Legislative Secretary

ACTION: APPROVING AN ARCHITECTURAL AND ENGINEERING AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION AND JAMES R. CHILDERS ARCHITECT, D.B.A. CHILDERS ARCHITECT, AND GRANTING A LIMITED WAIVER OF THE NATION'S SOVEREIGN IMMUNITY

MOVED: COUNCILMAN DANIEL L.A. PRESTON III

SECOND: COUNCILMAN LUCIUS E. LOPEZ

DATE: DECEMBER 09, 2025

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 251.2	1. WAVALENE M. SAUNDERS (Mary Lopez)	125.6	X			
	2. FRANCIS HOMEWYTEWA ()	125.6	X			
SELLS 565.7	1. JANET B. ELEANDO ()	282.85	X			
	2. EVELYN JUAN MANUEL (Juan Buendia)	282.85	X			
SCHUK TOAK 195.3	1. THEORIA CAMPILLO (Rebecca Ann Valentine)	97.65	X			
	2. DELISA M. RAMON (Quintin C. Lopez)	97.65	X			
SAN XAVIER 249.8	1. DANIEL L.A. PRESTON III ()	124.9	X			
	2. JANICE FELIX ()	124.9	X			
SAN LUCY 266.3	1. GLORIA M. RAMIREZ (Lorraine M. Eiler)	133.15	X			
	2. ROGER MANUEL (Christina Andrews)	133.15	X			
PISINEMO 240.3	1. PAMELA J. BENAVIDEZ (Nora J. Ruelas)	120.15	X			
	2. NAOMI MONTE (Edward D. Manuel)	120.15	X			X
HICKIWAN 222.9	1. LOUIS R. LOPEZ (Loretta A. Ortega)	111.45	X			
	2. DELMA M. GARCIA ()	111.45	X			
GU VO 279.6	1. LESLIE LUNA ()	139.8	X			
	2. BENNETT CHEWING ()	139.8	X			
GU ACHI 289.2	1. JEROME F. JOAQUIN (Gloria Johnson)	144.6	X			
	2. LUCIUS E. LOPEZ (Victoria A. Hobbs)	144.6	X			
CHUKUT KUK 361.9	1. MARLAKAY HENRY ()	180.95	X			
	2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	180.95	X			X
BABOQUIVARI 398.9	1. JESSE NAVARRO (Alberta J. Ray)	199.45	X			
	2. NED NORRIS, JR. (Leander Mase)	199.45	X			
TOTAL		3,321.1	3,321.1	-0-	-0-	[02]