

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Limited Waiver of Sovereign Immunity in a Vendor Contract
Between the Tohono O'odham Gaming Enterprise and UKG Inc.)**

RESOLUTION NO. 26-007

1 **WHEREAS, the Tohono O'odham Nation (the "Nation") is a federally recognized Indian tribe**
2 **organized pursuant to Section 16 of the Indian Reorganization Act of June 18,**
3 **1934 (48 Stat. 984; 25 U.S.C. § 476), which exercises sovereignty over both its**
4 **members and its lands; and**

5 **WHEREAS, the Tohono O'odham Constitution vests the Legislative Council with all of the**
6 **legislative powers of the Nation and the power to enact laws, ordinances, and**
7 **resolutions necessary or incidental to the exercise of its legislative powers**
8 **(Constitution, Article VI, Sections 1(c) and 1(l)); and**

9 **WHEREAS, the Tohono O'odham Gaming Enterprise (the "Enterprise") is a tribal**
10 **governmental enterprise of the Nation established pursuant to Article VI, Section**
11 **1(c) of the Nation's Constitution as the tribal enterprise responsible for operating**
12 **the Nation's gaming facilities and conducting gaming activities; and**

13 **WHEREAS, the Legislative Council adopted the Charter of the Gaming Enterprise (the**
14 **Charter") by Resolution No. 93-311 and amended the Charter by Resolution 02-**
15 **294, Resolution No. 03-231, Resolution No. 04-513, Resolution No. 15-062,**
16 **Resolution No. 17-408, Resolution No. 21-278, Resolution No. 21-437, Resolution**
17 **No. 23-070, Resolution No. 23-293, and Resolution No. 24-033 (16 T.O.C. Chapter 2);**
18 **and**

19 **WHEREAS, Section 8(a) of the Charter provides that nothing in the Charter shall be construed**
20 **as a waiver of, or limitation on, the sovereign immunity of the Nation; and**

21 **WHEREAS, Section 8(b)(2) of the Charter contains a limited waiver of the Enterprise's**
22 **sovereign immunity with respect to claims based upon a written contract to**
23 **which the Enterprise is a party; and**

24 **WHEREAS, Section 8(b)(2)(A) of the Charter provides that the Enterprise's immunity is only**
25 **waived to the lesser of the amount of the Enterprise's payment obligation under**
26 **such a contract or \$500,000, unless the amount and nature of such claims are**
27 **within the express coverage of a policy of insurance procured and maintained**
28 **pursuant to the Charter; and**

29 **WHEREAS, the Enterprise would like to enter into written contracts with UKG Inc. ("UKG"),**
30 **for the purpose of obtaining enterprise management software for use in the**
31 **Enterprise's businesses (the "Contracts"); and**
32

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1 **WHEREAS,** the Contracts with UKG were the result of significant negotiation between the
2 parties and are expressly conditioned upon a modification to Section 8(b)(2) of the
3 Enterprise's Charter solely for purposes of the Contracts; and

4 **WHEREAS,** the Enterprise seeks to broaden the scope of the waiver of the Enterprise's
5 immunity in accordance with the terms of the new agreement; and

6 **WHEREAS,** the interests of the Enterprise will be served by the Tohono O'odham Legislative
7 Council modifying the scope of the existing limited waiver of immunity for the
8 limited purpose of the Enterprises' new agreement and any future agreements
9 with UKG.

10 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council hereby grants
11 a limited waiver of the sovereign immunity of the Tohono O'odham Gaming
12 Enterprise in favor of UKG Inc. in the form attached hereto and authorizes the
13 Enterprise to enter into agreements with UKG containing language in
14 substantially the form attached hereto.

15 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13TH
16 day of JANUARY 2026 at a meeting at which a quorum was present with a vote of 3,121.65 FOR;
17 199.45 AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council
18 by Article VI, Sections 1(c), 1(f) of the Constitution of the Tohono O'odham Nation, adopted by the
19 Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
20 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
21 18, 1934 (48 Stat.984).

22
23 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

24
25 
26 Wavalene M. Saunders, Legislative Chairwoman

27 16TH day of January, 2026

31
32 **ATTEST:**

33 
34
35 Evonne Wilson, Legislative Secretary

36 15 day of January, 2026

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39 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
40 O'odham Nation on the 16TH day of January, 2026 at 1:33 o'clock, P.m.,
41 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
42 effective upon his approval or upon his failure to either approve or disapprove it within 48
43 hours of submittal.

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TOHONO O'ODHAM LEGISLATIVE COUNCIL


Wavalene M. Saunders, Legislative Chairwoman

☒ APPROVED

on the 20 day of January, 2026

☐ DISAPPROVED

at 9:35 o'clock, AM, m.


VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 20th day of

January, 2026, at 10:10 o'clock, A, m.


Evonne Wilson, Legislative Secretary

ACTION: APPROVING A LIMITED WAIVER OF SOVEREIGN IMMUNITY IN A VENDOR CONTRACT BETWEEN THE TOHONO O'ODHAM GAMING ENTERPRISE AND UKG INC.

Moved: COUNCILWOMAN THEORIA CAMPILLO

SECOND: COUNCILWOMAN EVELYN JUAN MANUEL

DATE: JANUARY 13, 2026

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 251.2	1. WAVALENE M. SAUNDERS (<i>Absent</i>) (Mary Lopez) (<i>Present</i>) 2. FRANCIS HOMEWYTEWA ()	125.6 125.6	X X			X
SELLS 565.7	1. JANET B. ELEANDO () 2. EVELYN JUAN MANUEL (Juan Buendia)	282.85 282.85	X X			
SCHUK TOAK 195.3	1. THEORIA CAMPILLO (Rebecca Ann Valentine) 2. DELISA M. RAMON (Quintin C. Lopez)	97.65 97.65	X X			
SAN XAVIER 249.8	1. DANIEL L.A. PRESTON III () 2. JANICE FELIX ()	124.9 124.9	X X			
SAN LUCY 266.3	1. GLORIA M. RAMIREZ (Lorraine M. Eiler) 2. ROGER MANUEL (Christina Andrews)	133.15 133.15	X X			
PISINEMO 240.3	1. PAMELA J. BENAVIDEZ (Nora J. Ruelas) 2. NAOMI MONTE (Edward D. Manuel)	120.15 120.15	X X			
HICKIWAN 222.9	1. LOUIS R. LOPEZ (Loretta A. Ortega) 2. DELMA M. GARCIA ()	111.45 111.45	X X			
GU VO 279.6	1. LESLIE LUNA () 2. BENNETT CHEWING ()	139.8 139.8	X X			
GU ACHI 289.2	1. JEROME F. JOAQUIN (Gloria Johnson) 2. LUCIUS E. LOPEZ (<i>Absent</i>) (Victoria A. Hobbs) (<i>Present</i>)	144.6 144.6	X X			
CHUKUT KUK 361.9	1. MARLAKAY HENRY () 2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	180.95 180.95	X X			
BABOQUIVARI 398.9	1. JESSE NAVARRO (Alberta J. Ray) 2. NED NORRIS, JR. (Leander Mase)	199.45 199.45	X X			
TOTAL		3,321.1	3,121.65	199.45	-0-	[01]