

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the Professional Services Agreement Between the Tohono
O'odham Nation and Johnson Controls Fire Protection LP)**

RESOLUTION NO. 26-101

1 **WHEREAS,** the Tohono O'odham Legislative Council is vested with the power "[t]o consult,
2 negotiate and conclude agreements . . . on behalf of the Tohono O'odham Nation
3 with Federal, State and local governments . . .or with private persons or
4 organizations on all matters within the authority of the Tohono O'odham
5 Council" and "[t]o exercise the inherent powers of the Tohono O'odham Nation by
6 providing . . . resolutions . . . to promote, protect and provide for public health,
7 peace, morals, education and general welfare of the Tohono O'odham Nation and
8 its members" (Constitution of the Tohono O'odham Nation, Article VI, Section 1(f)
9 and Article VI, Section 1(c)(2)); and

10 **WHEREAS,** the Nation's Corrections Center is in need of a new fire alarm system; and

11 **WHEREAS,** the Nation desires to enter into a Professional Services Agreement with Johnson
12 Controls Fire Protection LP to replace the fire alarm system throughout the
13 Nation's Corrections Center; and

14 **WHEREAS,** the Agreement may require a limited waiver of sovereign immunity because it (1)
15 contains a mutual indemnification clause; (2) it limits the liability of Johnson
16 Controls Fire Protection LP to three times the total amount paid to Johnson
17 Controls Fire Protection LP; and (3) it contains a mutual waiver of (a) special,
18 incidental, consequential, punitive, or indirect damages, (b) lost profits,
19 revenues, data, customer opportunities, business, anticipated savings, or
20 goodwill, (c) business interruption, or (d) data loss or other losses arising from
21 viruses, ransomware, cyberattacks or failures or interruptions to network
22 systems under any cause of action or theory of liability arising from, relating to,
23 or in connection with the Agreement; and

24 **WHEREAS,** the Domestic Affairs Committee has reviewed the Professional Services
25 Agreement Between the Tohono O'odham Nation and Johnson Controls Fire
26 Protection LP and recommends its approval.

27 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council approves the
28 Professional Services Agreement Between the Tohono O'odham Nation and
29 Johnson Controls Fire Protection LP.

30 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council approves in favor of
31 Johnson Controls Fire Protection LP a limited waiver of sovereign immunity
32 because the Professional Services Agreement Between the Tohono O'odham

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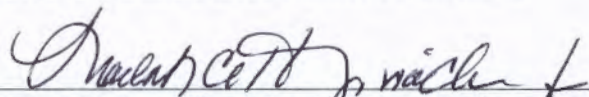
Page 2 of 3

1 Nation and Johnson Controls Fire Protection LP (1) contains a mutual
2 indemnification clause; (2) limits the liability of Johnson Controls Fire Protection
3 LP to three times the total amount paid to Johnson Controls Fire Protection LP;
4 and (3) contains a mutual waiver of (a) special, incidental, consequential,
5 punitive, or indirect damages, (b) lost profits, revenues, data, customer
6 opportunities, business, anticipated savings, or goodwill, (c) business
7 interruption, or (d) data loss or other losses arising from viruses, ransomware,
8 cyberattacks or failures or interruptions to network systems under any cause of
9 action or theory of liability arising from, relating to, or in connection with the
10 Agreement.

11 **BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that the Tohono O'odham
12 Nation chairperson or any designated official is authorized to execute the
13 Professional Services Agreement Between the Tohono O'odham Nation and
14 Johnson Controls Fire Protection LP substantially in the form attached hereto
15 provided that any amendments shall be submitted for prior approval by the
16 Tohono O'odham Legislative Council.

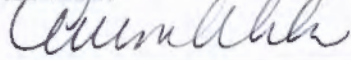
17 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07TH
18 day of APRIL 2026 at a meeting at which a quorum was present with a vote of 3,321.1 FOR; -0-
19 AGAINST; [01] NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by
20 Article VI, Section 1(c)(2) and (d) of the Constitution of the Tohono O'odham Nation, adopted by
21 the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
22 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
23 18, 1934 (48 Stat.984).

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25 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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29 Wavalene M. Saunders, Legislative Chairwoman

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31 14th day of April, 2026

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35 **ATTEST:**

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38 Evonne Wilson, Legislative Secretary

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40 14 day of April, 2026
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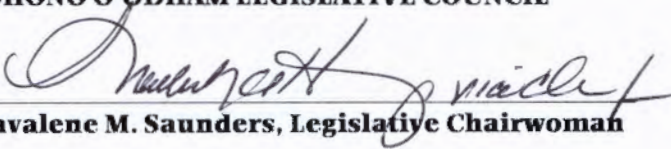
RESOLUTION NO. 26-101

(Approving the Professional Services Agreement Between the Tohono O'odham Nation and Johnson Controls Fire Protection LP)

Page 3 of 3

1 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
2 O'odham Nation on the 14th day of April, 2026 at 4:12 o'clock, P.m.,
3 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
4 effective upon his approval or upon his failure to either approve or disapprove it within 48
5 hours of submittal.
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7 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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11 **Wavalene M. Saunders, Legislative Chairwoman**
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15 **APPROVED**

on the 14 day of April, 2026

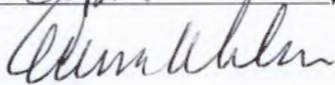
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18 **DISAPPROVED**

at 4:30 o'clock, P.m.

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22 **VERLON M. JOSE, CHAIRMAN**
23 **TOHONO O'ODHAM NATION**
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28 **Returned to the Legislative Secretary on the 14 day of**

29 April, 2026, at 4:46 o'clock, P.m.

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34 **Evonne Wilson, Legislative Secretary**
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ACTION: APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION AND JOHNSON CONTROLS FIRE PROTECTION LP

MOVED: COUNCILMAN BENNETT CHEWING

SECOND: COUNCILWOMAN EVELYN JUAN MANUEL

DATE: APRIL 07, 2026

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			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		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			
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. 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 <i>(Absent)</i> (Cornelius Antone) <i>(Present)</i>	180.95	X			X
BABOQUIVARI 398.9	1. JESSE NAVARRO ()	199.45	X			X
	2. NED NORRIS, JR. (Leander Mase)	199.45	X			
TOTAL		3,321.1	3,321.1	-0-	[01]	[03]