

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing a Limited Waiver of the Baboquivari District's Sovereign
Immunity for a FY 2026 Agreement between the Baboquivari District
and ESB Design-Build)**

RESOLUTION NO. 26-114

1 **WHEREAS, the Tohono O'odham Nation is a sovereign and federally recognized Indian tribe**
2 **possessing powers of self-government and sovereign immunity; and**

3 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with**
4 **the authority to "consult, negotiate and conclude agreements and contracts on**
5 **behalf of the Tohono O'odham Nation with . . . private persons or organizations**
6 **on all matters within the authority of the Tohono O'odham Council"**
7 **(Constitution, Article VI, Section 1(f)); and**

8 **WHEREAS, the Nation's sovereign immunity extends to its 11 local district governments, and**
9 **a district's immunity may not be waived "except by a resolution or other official**
10 **action of the Tohono O'odham Legislative Council expressly waiving, or**
11 **authorizing a waiver of, sovereign immunity" 1 T.O.C. Chapter 2, Section 2101(B)**
12 **and (C);(*Juan v. Juan*, 2 TOR3d 62 (Trial Ct., Jan. 27, 2000) appeal dism'd, 3 TOR3d**
13 **1 (Jan. 4, 2005); and**

14 **WHEREAS, the Baboquivari District of the Tohono O'odham Nation desires to contract with**
15 **ESB Design-Build for the design and construction of a new Baboquivari District**
16 **Office Building using Tohono O'odham Nation American Rescue Plan Act funds**
17 **approved by Resolution No. 21-292; and**

18 **WHEREAS, the Agreement includes a binding arbitration clause which requires a limited**
19 **waiver of the Baboquivari District's sovereign immunity; and**

20 **WHEREAS, the Budget and Finance Committee has reviewed and supports the Baboquivari**
21 **District's request for a limited waiver of the District's sovereign immunity,**
22 **provided that the Nation's sovereign immunity is not waived.**

23 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council authorizes a**
24 **limited waiver of the Baboquivari District's sovereign immunity, solely limited to**
25 **the terms of Article 12 of the Agreement between the Baboquivari District and ESB**
26 **Design-Build and Exhibit No. 1—Dispute Resolution to that Agreement, provided**
27 **that nothing in this limited waiver or resolution shall be construed as an express**
28 **or implied waiver of the Tohono O'odham Nation's sovereign immunity.**

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Page 2 of 3

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH day of APRIL 2026 at a meeting at which a quorum was present with a vote of 3,321.1 FOR; -0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(c)(2) and (d), Section 1(f) and (l) 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
Wavalene M. Saunders, Legislative Chairwoman
15 day of April, 2026

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary
14 day of April, 2026

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 15 day of April, 2026 at 9:40 o'clock, a.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 15 day of April, 2026

DISAPPROVED

at 8:45 o'clock, p.m.

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

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Page 3 of 3

Returned to the Legislative Secretary on the 16 day of

April, 2026, at 8:31 o'clock, A.m.


Evonne Wilson, Legislative Secretary

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ACTION: AUTHORIZING A LIMITED WAIVER OF THE BABOQUIVARI DISTRICT'S SOVEREIGN IMMUNITY FOR A FY 2026 AGREEMENT BETWEEN THE BABOQUIVARI DISTRICT AND ESB DESIGN-BUILD

MOVED: COUNCILMAN JESSE NAVARRO

SECOND: COUNCILMAN NED NORRIS, JR.

DATE: APRIL 08, 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			
	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			X
	2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	180.95	X			
BABOQUIVARI 398.9	1. JESSE NAVARRO ()	199.45	X			
	2. NED NORRIS, JR. (Leander Mase)	199.45	X			
TOTAL		3,321.1	3,321.1	-0-	-0-	[02]