

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing a Limited Waiver of the Schuk Toak District's Sovereign Immunity
in a Contract Between the Schuk Toak District and JOC Construction, LLC)**

RESOLUTION NO. 26-261

- 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
4 with the authority to "consult, negotiate and conclude agreements and
5 contracts on behalf of the Tohono O'odham Nation with . . . private persons or
6 organizations on all matters within the authority of the Tohono O'odham
7 Council" (Constitution, Article VI, Section I(f)); and
- 8 **WHEREAS,** the Nation's sovereign immunity extends to its 11 local district governments,
9 and a district's immunity may not be waived "except by a resolution or other
10 official 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 Schuk Toak District of the Tohono O'odham Nation desires to contract with
15 JOC Construction, LLC to construct the Schuk Toak District Community Center
16 Building ("Project") and the Project is funded in whole or in part with federal
17 funds provided under the American Rescue Plan Act funds approved by
18 Resolution No. 21-292; and
- 19 **WHEREAS,** the agreement to construct the Project is comprised of the following documents
20 (collectively referred to as the "Contract"):
- 21 1. AIA Document A105 - 2017, "Standard Short Form of Agreement Between
22 Owner and Contractor;"
- 23 2. AIA Document A201 - 2017, "General Conditions of the Contract for
24 Construction;" and
- 25 3. "Exhibit 'A'," which is described internally as a "Professional Services
26 Agreement" that is an "extension of the main Sourcewell Contract #: CO-R4-
27 GC-022924-LRI.
- 28 ; and
- 29 **WHEREAS,** the Contract includes provisions for binding arbitration, which require a
30 specific and limited waiver of the Schuk Toak District's sovereign immunity; and
31

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WHEREAS, by Schuk Toak District Council Resolution No. ST-07-31-26-084, the Schuk Toak District Council approved the Contract with JOC Construction, LLC for the Schuk Toak District Community Center Building, including the limited waiver of the Schuk Toak District's sovereign immunity as agreed to therein, subject to the Legislative Council's authorization of a limited waiver of the District's sovereign immunity in favor of JOC Construction, LLC; and

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

NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council authorizes a limited waiver of the Schuk Toak District's sovereign immunity solely limited to the terms of the Contract including: AIA Document A105 - 2017, Article 17, Section 17.1.1, AIA Document A201 - 2017 Article 13, Section 13.2.1, and "Exhibit 'A,'" which is an "extension of the main Sourcewell Contract #: CO-R4-GC-022924-LRI," provided that nothing in this resolution shall in any way be construed as a waiver of, or limitation on, the broader sovereign immunity of the Nation.

BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the Schuk Toak District shall promptly inform the Nation's attorney general in the event that this Contract results in arbitration or litigation.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 05TH day of AUGUST 2026 at a meeting at which a quorum was present with a vote of 3,321.1 FOR; -0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(c)(2), 1(d), 1(f) and 1(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, Legislative Chairwoman

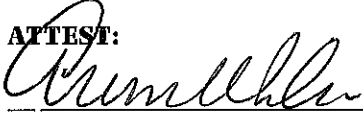
11 day of August, 2026

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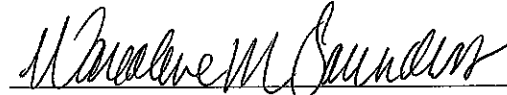
ATTEST:


Evonne Wilson, Legislative Secretary

11 day of August, 2026

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 11 day of August, 2026 at 1:48 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

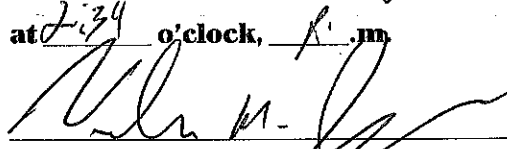

Wavalene M. Saunders, Legislative Chairwoman

☒ APPROVED

on the 13 day of August, 2026

☐ DISAPPROVED

at 2:34 o'clock, P.m.


VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 13 day of
August, 2026, at 4:29 o'clock, P.m.

EXCEEDED 48 HOURS


Evonne Wilson, Legislative Secretary

ACTION: AUTHORIZING A LIMITED WAIVER OF THE SCHUK TOAK DISTRICT'S SOVEREIGN IMMUNITY IN A CONTRACT BETWEEN THE SCHUK TOAK DISTRICT AND JOC CONSTRUCTION, LLC

Moved: COUNCILWOMAN THEORIA CAMPILLO

SECOND: COUNCILWOMAN DELISA M. RAMON

DATE: AUGUST 05, 2026

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 251.2	1. WAVALENE M. SAUNDERS (Mary Lopez) 2. FRANCIS HOMEWYTEWA (Dionne Kuth-Le)	125.6 125.6	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			X
SAN LUCY 266.3	1. GLORIA M. RAMIREZ (Lorraine M. Eller) 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. GLORIA JOHNSON (Rodney T. Aguilla) 2. LUCIUS E. LOPEZ (Victoria A. Hobbs)	144.6 144.6	X X			
CHUKUT KUK 361.9	1. MARIKAY HENRY () 2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	180.95 180.95	X X			
BABOQUIVARI 398.9	1. JESSE NAVARRO () 2. NED NORRIS, JR. (Leander Mase)	199.45 199.45	X X			
TOTAL		3,321.1	3,321.1	-0-	-0-	[01]