

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving an Agreement for Engineering and Design Services between the Tohono
O'odham Nation and Dowl Engineering for the Sells Alternative Rural Health
Center Off-Site Water and Sewer Improvements, and Granting a Limited
Waiver of the Nation's Sovereign Immunity)

RESOLUTION NO. 26-367

WHEREAS, the Constitution of the Tohono O'odham vests the Legislative Council with the authority "to promote, protect, and provide for the public health, morals, education and general welfare of the Tohono O'odham Nation and its members" and "to consult, negotiate and conclude agreements and contracts on behalf of the Tohono O'odham Nation with...private persons or organizations on all matters within the authority of the Tohono O'odham Council" (Constitution of the Tohono O'odham Nation, Article VI, Section 1(c)(2) and Section 1(f)); and

WHEREAS, the Indian Health Service ("IHS"), the Tohono O'odham Nation ("Nation"), and Tohono O'odham Nation Health Care ("TONHC"), through their authorized representatives, entered into a Title V Construction Project Agreement ("TVCPA") for the purposes of completing engineering and design and construction of off-site water and sewer improvements in support of the Sells Alternative Health Rnral Health Center ("Project")(Resolution No. 24-207); and

WHEREAS, the Nation issued a public solicitation and employed a competitive sealed bidding process seeking proposals from professional engineering and design firms to complete the design of the off-site water and sewer improvements ("Project"); and

WHEREAS, Dowl Engineering ("Dowl"), a firm with a long history of working on the Tohono O'odham Reservation and being uniquely familiar with the existing systems, local environmental conditions, and the infrastructure planning, was selected by a review committee to undertake the engineering and design of the Project; and

WHEREAS, the Nation has submitted for review and approval a professional Agreement for Engineering and Design Services between the Nation and Dowl ("Agreement"), which is attached as Exhibit A and incorporated by this reference; and

WHEREAS, the Agreement will be funded by the FY 2025-2027 Sells Alternative Rural Health Center Project II TONHC Water and Sewer Budget approved by Resolution No. 24-427; and

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

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

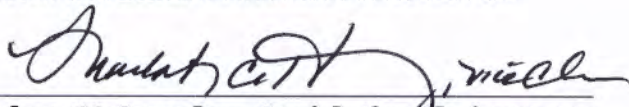
NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council:

- 1. Approves the professional Agreement for Engineering and Design Services between the Nation and Dowl, in substantially the same form as attached in Exhibit A, provided that any amendments of the Agreement shall be submitted for prior approval by the Tohono O'odham Legislative Council; and**
- 2. Grants a limited waiver of the Nation's sovereign immunity in accordance with the explicit language contained in the Agreement in favor of Dowl only.**

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

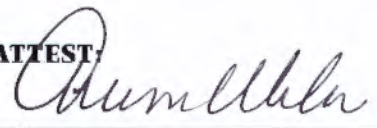
The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13TH day of OCTOBER 2026 at a meeting at which a quorum was present with a vote of 3,321.1 FOR; -0- AGAINST; -0- NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(c)(2) and 1(f) 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

16TH day of OCTOBER, 2026

ATTEST:


Evonne Wilson, Legislative Secretary

16 day of OCTOBER, 2026

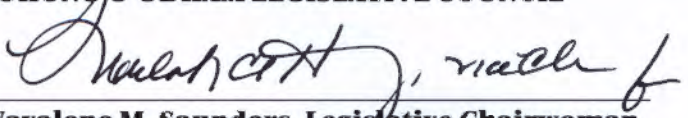
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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 16th day of OCTOBER, 2026 at 4:35 o'clock, P.m., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

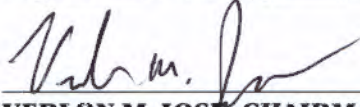

Wavalene M. Saunders, Legislative Chairwoman

☒ **APPROVED**

on the 16 day of OCTOBER, 2026

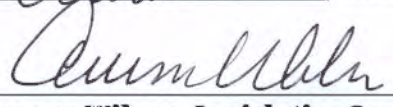
☐ **DISAPPROVED**

at 4:43 o'clock, P.m.


VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 16 day of

OCTOBER, 2026, at 4:52 o'clock, P.m.


Evonne Wilson, Legislative Secretary

ACTION: APPROVING AN AGREEMENT FOR ENGINEERING AND DESIGN SERVICES BETWEEN THE TOHONO O'ODHAM NATION AND DOWL ENGINEERING FOR THE SELLS ALTERNATIVE RURAL HEALTH CENTER OFF-SITE WATER AND SEWER IMPROVEMENTS, AND GRANTING A LIMITED WAIVER OF THE NATION'S SOVEREIGN IMMUNITY

Moved: COUNCILMAN NED NORRIS, JR.

SECOND: COUNCILWOMAN VIVIAN JUAN-SAUNDERS

DATE: OCTOBER 13, 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			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			X
HICKIWAN 222.9	1. LOUIS R. LOPEZ (Loretta A. Ortega) 2. DELMA M. GARCIA ()	111.45 111.45	X 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			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 () 2. NED NORRIS, JR. (Leander Mase)	199.45 199.45	X X			
TOTAL		3,321.1	3,321.1	-0-	-0-	[05]