

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing Execution of Accurate Background, Inc. "End User Agreement")**

LEGISLATIVE ORDER NO. 12-063

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

5 **WHEREAS, the Council has prescribed the duties and powers of the Council Chairman and Vice**
6 **Chairman (collectively, "legislative officers") by adopting the Legislative Rules and by**
7 **passing Legislative Order No. 06-047, "Amended Delegation of Authority to Legislative**
8 **Council Chairperson and Vice Chairperson"; and**

9 **WHEREAS, although Legislative Order No. 06-047 expressly delegates to the legislative officers the**
10 **authority to negotiate, execute, and administer certain contracts, the officers are not**
11 **authorized to enter contracts that "indemnify a third party or authorize payment of**
12 **an award of attorney fees or costs of litigation or arbitration, unless previously**
13 **authorized by a majority vote of the Legislative Council"; and**

14 **WHEREAS, at the request of legislative committees, the legislative officers have searched for and**
15 **selected Accurate Background, Inc. to provide background investigation services to**
16 **the Legislative Branch; and**

17 **WHEREAS, the Accurate Background, Inc. "End User Agreement" does not expressly require the**
18 **Legislative Branch to waive its sovereign immunity but does include an**
19 **indemnification clause and other provisions which require Legislative Council**
20 **approval.**

21 **NOW, THEREFORE, BE IT ORDERED by the Tohono O'odham Legislative Council that it authorizes**
22 **the legislative officers to enter into the Accurate Background, Inc. "End User**
23 **Agreement," which shall be funded by the Legislative Branch Professional Services line**
24 **item 001-12-9000-7355, provided that nothing in this delegation or in the agreement**
25 **shall be deemed a waiver of the Nation's sovereign immunity or legislative immunity.**

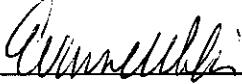
26 **The foregoing Order was passed by the Tohono O'odham Legislative Council on the 29TH day of**
27 **FEBRUARY, 2012 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0-**
28 **AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Article**
29 **VI, Section 1(f) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham**
30 **Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs**
31 **(Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

32
33 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

34 
35 _____
36 Timothy Joaquin, Legislative Chairman

37
38 2 day of March, 2012

1 **ATTEST:**

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4 **Evonne Wilson, Legislative Secretary**

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6 2 day of March, 2012

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ACTION: AUTHORIZING EXECUTION OF ACCURATE BACKGROUND, INC. "END USER AGREEMENT"

MOVED: COUNCILWOMAN OLIVIA VILLEGAS-LISTON

SECOND: COUNCILWOMAN HILARION CAMPUS

DATE: FEBRUARY 29, 2012

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	171.0	X			
CHUKUT KUK 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X			
	2. BILLMAN LOPEZ ()	151.10	X			X
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN ()	122.45	X			X
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45	X			
GU VO 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X			
	2. PAMELA ANGHILL <i>(Absent)</i> (Roselda Lewis) <i>(Present)</i>	113.35	X			
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ()	93.15	X			X
PISINEMO 200.7	1. CHESTER ANTONE (Tony Murrietta)	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
SAN LUCY 204.6	1. LORRAINE EILER ()	102.30	X			
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
SAN XAVIER 215.8	1. HILARION CAMPUS ()	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X			
SCHUK TOAK 169.8	1. FRANCES B. CONDE (Anthony J. Rios)	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
SELLS 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85	X			
	2. EVELYN B. JUAN MANUEL ()	237.85	X			
SIF OIDAK 211.9	1. NICHOLAS JOSE ()	105.95	X			
	2. MARY LOPEZ ()	105.95	X			
TOTAL		2,780.60	2,780.60	-0-	-0-	[03]