

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving an Intergovernmental Agreement Between the Tohono O'odham Nation
and the State of Arizona to Implement a Highway Safety Improvement Program)

RESOLUTION NO. 12-438

1 WHEREAS, the Planning and Economic Development Department has negotiated an
2 Intergovernmental Agreement with the State of Arizona to allow the Arizona
3 Department of Transportation to perform certain road improvements on the Nation's
4 lands under the federal Highway Safety Improvement Program and the High Risk
5 Rural Roads Program; and

6 WHEREAS, the improvements will be implemented on IRR 1, IRR 16, IRR 15, IRR 19, IRR 20, IRR
7 21, IRR 24, IRR 29, IRR 30, IRR 34, IRR 35, and IRR 42 and will consist of upgrading 4"
8 centerline and 6" edgeline pavement markings to thermoplastic pavement markings,
9 installing raised pavement markers, installation of Stop signs, curve warning signs,
10 chevrons, Do Not Enter When Flooded signs with depth gauges, and guardrail end
11 treatments on bridge transitions where appropriate; and

12 WHEREAS, the Intergovernmental Agreement provides for dispute resolution through arbitration
13 and enforcement of an arbitration award in court by either party; and

14 WHEREAS, the dispute resolution provision requires a limited waiver of the Nation's sovereign
15 immunity to allow the State of Arizona to enforce an arbitrator's award in court; and

16 WHEREAS, the Commerce Committee, the Agricultural and Natural Resources Committee, and
17 the Domestic Affairs Committee have reviewed the Intergovernmental Agreement and
18 recommend that the Legislative Council approve it.

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

- 20 1. Approves the Intergovernmental Agreement between the Tohono O'odham Nation
21 and the State of Arizona substantially in the form attached hereto and approves a
22 limited waiver of the Nation's sovereign immunity to implement the dispute
23 resolution provisions of the Intergovernmental Agreement; and
- 24 2. Authorizes and directs the Chairperson of the Nation to execute the
25 Intergovernmental Agreement on behalf of the Nation, and to execute any
26 additional documents reasonably necessary to implement the Intergovernmental
27 Agreement.

28 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06TH Day
29 of NOVEMBER, 2012 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0-
30 AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article
31 VI, Section 1 (f) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono
32 O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -
33 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48
34 Stat. 984).

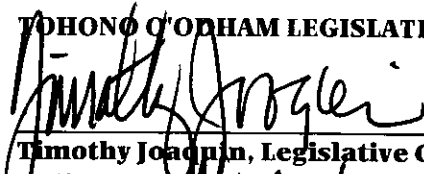
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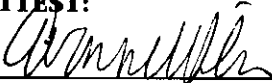
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

14 day of November, 2012

ATTEST:

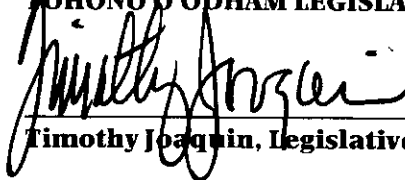


Evonne Wilson, Legislative Secretary

13 day of November, 2012.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 14 day of November, 2012 at 4:45 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



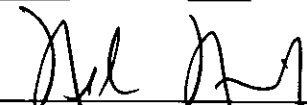
Timothy Joaquin, Legislative Chairman

APPROVED

on the 15 day of November, 2012

DISAPPROVED

at 8:54 o'clock, A.M.


NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 15 day of

November, 2012, at 9:43 o'clock, A.M.



Evonne Wilson, Legislative Secretary

ACTION: APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION AND THE STATE OF ARIZONA TO IMPLEMENT A HIGHWAY SAFETY IMPROVEMENT PROGRAM

MOVED: COUNCILWOMAN FRANCES B. STEPHENS

SECOND: COUNCILWOMAN LORRAINE EILER

DATE: NOVEMBER 06, 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			
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN ()	122.45	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 (Roselda Lewis)	113.35	X			X
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ()	93.15	X			
PISINEMO 200.7	1. CHESTER ANTONE (<i>Absent</i>) (Tony Murrietta) (<i>Present</i>)	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 (Racheal Vilson-Stoner)	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X			
SCHUK TOAK 169.8	1. FRANCES B. STEPHENS (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			X
	2. MARY LOPEZ ()	105.95	X			
TOTAL		2,780.60	2,780.60	-0-	-0-	[02]