

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Authorizing San Xavier District to Enter Into an Intergovernmental Agreement  
with the Arizona Department of Transportation )**

**RESOLUTION NO. 12-487**

1 **WHEREAS, the San Xavier District has applied for funding from the Federal Highway**  
2 **Administration Transportation Enhancement program to make improvements to the**  
3 **transportation infrastructure within the District, specifically a pedestrian walkway**  
4 **referred to as the Gap Sidewalk; and**

5 **WHEREAS, the federal program is administered by the Arizona Department of Transportation**  
6 **("ADOT") with assistance in preparing applications from the Pima Association of**  
7 **Governments; and**

8 **WHEREAS, part of the application process is the negotiation of an intergovernmental agreement**  
9 **with ADOT, which is to be executed after ADOT ranks the applications and awards the**  
10 **grants; and**

11 **WHEREAS, the District has negotiated an intergovernmental agreement (the "Agreement") which**  
12 **protects it and the Nation from required compliance with certain state laws, but which**  
13 **also provides for dispute resolution through arbitration and enforcement of an**  
14 **arbitration award in court by either party; and**

15 **WHEREAS, the dispute resolution provision of the Agreement requires a limited waiver of San**  
16 **Xavier District's sovereign immunity to allow the state of Arizona to enforce an**  
17 **arbitrator's award in court; and**

18 **WHEREAS, the Agreement requires the approval of the Legislative Council pursuant to Article VI,**  
19 **Section 1(f) of the Constitution of the Tohono O'odham Nation; and**

20 **WHEREAS, the Legislative Agricultural & Natural Resources Committee (on November 29, 2012)**  
21 **and the Legislative Commerce, Budget & Finance, and Domestic Affairs Committees**  
22 **(on December 3, 2012) reviewed the proposal and the Agreement and recommended**  
23 **that the Legislative Council authorize San Xavier District to enter into the Agreement.**

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

- 25 **1. Approves the Intergovernmental Agreement between San Xavier District and the**  
26 **Arizona Department of Transportation substantially in the form attached hereto**  
27 **and approves a limited waiver of San Xavier District's sovereign immunity to allow**  
28 **for the dispute resolution provided for in sections 10 through 15 of the Agreement.**  
29

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2. Authorizes San Xavier District to enter into the Agreement.

3. Authorizes the Chairman of the Nation to sign the concurrence of the Nation to the Agreement, if required by ADOT.

BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council, by authorizing San Xavier District to enter into the Agreement, intends that all responsibility and liability, including financial liability, related to this project and the Agreement shall remain with San Xavier District, and no responsibility or liability, including financial liability, shall fall upon the Tohono O'odham Nation.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 05<sup>TH</sup> Day of DECEMBER, 2012 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0- AGAINST; [01] NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 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

  
Timothy Joaquin, Legislative Chairman

11 day of December, 2012

ATTEST:

  
Evonne Wilson, Legislative Secretary

15 day of March, 2012

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 11 day of December, 2012 at 8:51 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

  
Timothy Joaquin, Legislative Chairman

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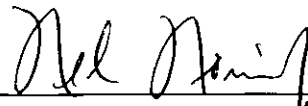
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**APPROVED**

on the 12 day of December, 2012

**DISAPPROVED**

at 10:30 o'clock, a.M.

  
\_\_\_\_\_  
**NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 12 day of

December, 2012, at 11:05 o'clock, a.M.

  
\_\_\_\_\_  
**Evonne Wilson, Legislative Secretary**

**ACTION: AUTHORIZING SAN XAVIER DISTRICT TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION**

**MOVED: COUNCILWOMAN OLIVIA VILLEGAS-LISTON**

**SECOND: COUNCILWOMAN LORRAINE EILER**

**DATE: DECEMBER 05, 2012**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> <b>342.0</b>	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			
	2. FRANCES G. ANTONE ( <i>Absent</i> ) (Vernon Smith) ( <i>Present</i> )	171.0	X			
<b>CHUKUT KUK</b> <b>302.2</b>	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X			
	2. BILLMAN LOPEZ ( )	151.10	X			
<b>GU ACHI</b> <b>244.9</b>	1. TIMOTHY L. JOAQUIN ( )	122.45	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45	X			
<b>GU VO</b> <b>226.7</b>	1. GRACE MANUEL (Floyd Flores)	113.35	X			
	2. PAMELA ANGHILL (Roselda Lewis)	113.35	X			
<b>HICKIWAN</b> <b>186.3</b>	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ( )	93.15	X			
<b>PISINEMO</b> <b>200.7</b>	1. CHESTER ANTONE (Tony Murrietta)	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X		X	
<b>SAN LUCY</b> <b>204.6</b>	1. LORRAINE EILER ( )	102.30	X			
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
<b>SAN XAVIER</b> <b>215.8</b>	1. HILARION CAMPUS (Racheal Vilson-Stoner)	107.90	X			X
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X			
<b>SCHUK TOAK</b> <b>169.8</b>	1. FRANCES B. STEPHENS (Anthony J. Rios)	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
<b>SELLS</b> <b>475.7</b>	1. ARTHUR WILSON (Kimberly Mull)	237.85	X			
	2. MARIA ACKERMAN ( )	237.85	X			
<b>SIF OIDAK</b> <b>211.9</b>	1. NICHOLAS JOSE ( )	105.95	X			
	2. MARY LOPEZ ( )	105.95	X			
<b>TOTAL</b>		<b>2,780.60</b>	<b>2,780.60</b>	<b>-0-</b>	<b>[01]</b>	<b>[01]</b>