

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approval of the Intergovernmental Agreement between the City of Glendale
and the Tohono O'odham Nation for Detention Services)**

RESOLUTION NO. 20-017

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to**
2 **"consult, negotiate and conclude agreements and contracts on behalf of the**
3 **Tohono O'odham Nation ("Nation") with Federal, State, and local governments."**
4 **(Constitution of the Tohono O'odham Nation, Article VI, Section 1(f)); and**

5 **WHEREAS, the Legislative Council has previously approved Intergovernmental Agreements**
6 **for Detention Services between the City of Glendale and the Tohono O'odham**
7 **Nation by Resolutions No. 15-484 and No. 18-052; and**

8 **WHEREAS, the Nation desires to renew the Intergovernmental Agreement with the City of**
9 **Glendale for a term for three (3) years, from January 1, 2020 and ending on**
10 **December 31, 2022, to aid in detention services identified in the**
11 **Intergovernmental Agreement; and**

12 **WHEREAS, City of Glendale will supply safekeeping, care and maintenance of persons**
13 **arrested by the Nation and booked into the City of Glendale's detention system at**
14 **the rate of \$197.91 per inmate per day; and**

15 **WHEREAS, in the event that the Nation is unable to transport prisoners to the City of**
16 **Glendale's detention facility, the Nation may request the Glendale Police**
17 **Department to transport the prisoners at a cost of \$50.00 per transport; and**

18 **WHEREAS, the Agreement includes a limited waiver of sovereign immunity because it**
19 **requires that the Agreement be interpreted according to the law of the State of**
20 **Arizona, and because it requires the Nation to indemnify the City of Glendale for**
21 **losses, damages and claims arising out of the performance of the Agreement; and**

22 **WHEREAS, the fees accrued, will be paid by Department of Public Safety, Tohono O'odham**
23 **Nation Police Department tribal budget; and**

24 **WHEREAS, the Domestic Affairs Committee and the Budget and Finance Committee of the**
25 **Legislative Council have reviewed the Intergovernmental Agreement for**
26 **Detention Services and recommends its approval.**

27 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby**
28 **approves the Intergovernmental Agreement between the City of Glendale and the**
29 **Tohono O'odham Nation for the purpose of providing detention services for the**
30 **Nation's Police Department serving the West Valley Casino, substantially in the**
31 **form attached hereto.**

32 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council approves the limited**
33 **waiver of sovereign immunity in the Agreement which requires that the**
34 **Agreement be interpreted according to the law of the State of Arizona, and which**

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requires the Nation to indemnify the City of Glendale for losses, damages and claims arising out of the performance of the Agreement.

BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the Tohono O'odham Nation's chairperson or any designated official is authorized and directed to execute this agreement on behalf of the Nation, provided that any amendments shall be submitted for further prior approval by the Tohono O'odham Legislative Council.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13TH day of JANUARY, 2020 at a meeting at which a quorum was present with a vote of 3,175.7 FOR; -0- AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(D) 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 C. Joaquin

Timothy Joaquin, Legislative Chairman
21 day of *January*, 2020

ATTEST:

Evonne Wilson

Evonne Wilson, Legislative Secretary
21 day of *January*, 2020

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the *21* day of *January*, 2020 at *4:39* 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 C. Joaquin

Timothy Joaquin, Legislative Chairman

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APPROVED

on the 21 day of January, 2020

DISAPPROVED

at 5:22 o'clock, P .m.



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

Returned to the Legislative Secretary on the 22 day of

January, 2020, at 9:25 o'clock, a .m.



Evonne Wilson, Legislative Secretary

ACTION: APPROVAL OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF GLENDALE AND THE TOHONO O'ODHAM NATION FOR DETENTION SERVICES

Moved: COUNCILWOMAN GLORIA RAMIRZ

SECOND: COUNCILMAN DANIEL L.A. PRESTON III

DATE: JANUARY 13, 2020

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 384.8	1. LEANDER MASE (<i>Absent</i>) (Francine Schooling) (<i>Present</i>)	192.40	X			
	2. ALBERTA J. RAY (Frances G. Antone)	192.40	X			
CHUKUT KUK 347.5	1. VIVIAN JUAN-SAUNDERS (Juanita Homer)	173.75	X			
	2. MARLAKAY HENRY (Billman Lopez)	173.75	X			
GUACHI 279.3	1. VICTORIA HOBBS ()	139.65	X			
	2. TIMOTHY L. JOAQUIN (<i>Absent</i>) (Louis L. Johnson) (<i>Present</i>)	139.65	X			X
GU VO 264.5	1. DALLAS LEWIS (Nacho Flores)	132.25	X			
	2. GRACE MANUEL ()	132.25	X			X
HICKIWAN 213.8	1. SANDRA D. ORTEGA ()	106.90	X			X
	2. LOUIS R. LOPEZ (Delma M. Garcia)	106.90	X			
PISINEMO 230.7	1. MONICA K. MORGAN ()	115.35	X			
	2. MARIETTA MARTIN ()	115.35	X			
SAN LUCY 235.6	1. GLORIA RAMIREZ ()	117.80	X			
	2. JANA MONTANA (Lorraine M. Eiler)	117.80	X			
SAN XAVIER 238.9	1. JANICE FELIX (Adam Andrews)	119.45	X			
	2. DANIEL L.A. PRESTON III (Racheal Vilson-Stone)	119.45	X			
SCHUK TOAK 189.0	1. QUINTIN C. LOPEZ (Agnes V. Joaquin)	94.50	X			
	2. TERESA F. DONAHUE (Alberta Espinoza)	94.50	X			
SELLS 547.1	1. EVELYN JUAN MANUEL ()	273.55	X			
	2. ARTHUR WILSON ()	273.55	X			
SIF OIDAK 244.5	1. LUCINDA ALLEN (<i>Absent</i>) (Yolonda Garcia) (<i>Present</i>)	122.25	X			
	2. MARY LOPEZ (<i>Absent</i>) (Ann M. Garcia) (<i>Present</i>)	122.25	X			
TOTAL		3,175.7	3,175.7	-0-	-0-	[03]