

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Acceptance of the City of Tucson High Intensity Drug Trafficking Area Grant
Agreement for the Native American Targeted Investigations of Violent
Enterprises and approving the FY 2020 Budget)**

RESOLUTION NO. 20-135

1 **WHEREAS,** the Tohono O'odham Legislative Council is authorized to "consult, negotiate and
2 conclude agreements and contracts on behalf of the Tohono O'odham Nation
3 with Federal, State and local governments and other Indian tribes or their
4 departments, agencies, or political subdivisions, or with private persons or
5 organizations on all matters within the authority of the Tohono O'odham
6 Council" and to "manage any funds within the exclusive control of the Tohono
7 O'odham Nation . . . and to appropriate these funds for the benefit of the nation
8 and its members" provided that "[a]ll expenditures of these funds shall be
9 pursuant to appropriations or budgets" authorized by resolution or ordinance
10 (Constitution of the Tohono O'odham Nation, Article VI, Section 1(f) and Section
11 1(d)(2)); and

12 **WHEREAS,** the Department of Public Safety was awarded the City of Tucson High Intensity
13 Drug Trafficking Area Grant ("HIDTA") Grant, Grant No. HT-19-2923 for the Native
14 American Targeted Investigations of Violent Enterprises Task Force ("NATIVE");
15 and

16 **WHEREAS,** the Tohono O'odham Nation Department of Public Safety Police Department has
17 negotiated an Agreement with the City of Tucson HIDTA, Agreement No. HT-19-
18 2923; which is incorporated by this reference, for the grant period of January 1,
19 2019 through December 31, 2019; and

20 **WHEREAS,** this Agreement will be used for the NATIVE Task Force and will allow for overtime
21 costs with an effective date of January 1, 2019 through December 31, 2019; and

22 **WHEREAS,** this grant does not allow for indirect cost charges; and

23 **WHEREAS,** the grant agreement requires a limited waiver of sovereign immunity because it
24 is governed by the laws of the State of Arizona, must be litigated in Arizona courts,
25 is subject to arbitration in the event of disputes, and requires the Nation to
26 indemnify the Grantor under certain circumstances; and

27 **WHEREAS,** the Department of Public Safety has prepared and submitted for review and
28 approval its FY 2020 City of Tucson High Intensity Drug Trafficking Area Budget,
29 which is incorporated by this reference, in the amount of \$73,372.00 to be funded
30 by the City of Tucson HIDTA-NATIVE Agreement No. HT-19-2923; and
31

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1 **WHEREAS, the Domestic Affairs and Budget and Finance Committees have reviewed the City**
2 **of Tucson HIDTA Agreement No. HT-19-2923 and FY 2020 Department of Public**
3 **Safety City of Tucson HIDTA Budget and recommend their approval.**


4 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council: substantially**
5 **in the form attached hereto, and authorizes the Chairman of the Nation to**
6 **execute the Agreement.**


7 **BE IT FURTHER RESOLVED that the Tohono O'odham Nation Legislative Council grants a**
8 **Limited waiver of sovereign immunity in favor of the City of Tucson in order for**
9 **The provisions of FY 2019 City of Tucson High Intensity Drug Trafficking Area**
10 **Grant Agreement No, HT-19-2923 to be enforced.**

11 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the Tohono O'odham**
12 **Nation accepts the Agreement for the FY 2019 City of Tucson High Intensity Drug**
13 **Trafficking Area – Native American Targeted Investigations of Violent Enterprises**
14 **as attached hereto and the chairperson or any designated official is authorized to**
15 **administer and expend the FY 2020 Department of Public Safety Police**
16 **Department FY 2020 City of Tucson HIDTA-NATIVE Budget, provided however,**
17 **that any amendments or modifications shall be submitted for prior approval by**
18 **the Tohono O'odham Legislative Council.**

19 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 29TH**
20 **day of APRIL, 2020 at a meeting at which a quorum was present with a vote of 3,175.7 FOR;**
21 **-0- AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
22 **Article VI, Section 1(d)(2) and (3) of the Constitution of the Tohono O'odham Nation, adopted by**
23 **the Tohono O'odham Nation on January 18, 1986; approved by the Acting Deputy Assistant**
24 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
25 **18, 1934 (48 Stat.984).**

26
27 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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31 **Timothy Joaquin, Legislative Chairman**
32
33 1 day of May, 2020

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38 **ATTEST:**
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41 **Evonne Wilson, Legislative Secretary**
42
43 1 day of May, 2020
44

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 1 day of May, 2020 at 3:49 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 for
Timothy Joaquin, Legislative Chairman

APPROVED

on the 05 day of May, 2020

DISAPPROVED

at 10:46 o'clock, a .m.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 5 day of

May, 2020, at 12:58 o'clock, p .m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: ACCEPTANCE OF THE CITY OF TUCSON HIGH INTENSITY DRUG TRAFFICKING AREA GRANT AGREEMENT FOR THE NATIVE AMERICAN TARGETED INVESTIGATIONS OF VIOLENT ENTERPRISES AND APPROVING THE FY 2020 BUDGET

Moved: COUNCILWOMAN MARLAKAY HENRY

SECOND: COUNCILWOMAN JANICE FELIX

DATE: APRIL 29, 2020

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 384.8	1. LEANDER MASE (Francine Schooling)	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 (Louis L. Johnson)	139.65	X			
GU VO 264.5	1. DALLAS LEWIS (Nacho Flores)	132.25	X			
	2. GRACE MANUEL ()	132.25	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-Stoner)	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			X
SELLS 547.1	1. EVELYN JUAN MANUEL ()	273.55	X			
	2. ARTHUR WILSON ()	273.55	X			
SIF OIDAK 244.5	1. LUCINDA ALLEN (Yolonda Garcia)	122.25	X			
	2. MARY LOPEZ (Ann M. Garcia)	122.25	X			X
TOTAL		3,175.7	3,175.7	-0-	-0-	[03]