

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Authorizing Acceptance of LogMeIn USA, Inc. Agreement and Terms of Service)**

**LEGISLATIVE ORDER NO. 20-148**

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

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

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

16 **WHEREAS, in accordance with the approved Legislative Branch COVID-19 Pandemic**  
17 **Response Plan, the Legislative Branch closed its offices but continues to conduct**  
18 **committee meetings and Legislative Council sessions through GoToMeeting,**  
19 **which is owned by LogMeIn USA, Inc.; and**

20 **WHEREAS, although the Agreement with LogMeIn USA, Inc. does not expressly require the**  
21 **Legislative Branch to waive its sovereign or legislative immunity, it does include**  
22 **an indemnification clause in the Terms of Service, which requires Legislative**  
23 **Council approval.**

24 **NOW, THEREFORE, BE IT ORDERED by the Tohono O'odham Legislative Council that it**  
25 **authorizes the Legislative Council officers to accept and execute the Agreement**  
26 **and Terms of Service with LogMeIn USA, Inc., provided that nothing in this**  
27 **legislative order or in the agreement shall be deemed a waiver of the Nation’s**  
28 **sovereign immunity or the Legislative Branch’s legislative immunity.**

29 **The foregoing Order was passed by the Tohono O'odham Legislative Council on the 01<sup>ST</sup> day of**  
30 **MAY, 2020 at a meeting at which a quorum was present with a vote of 2.961.9 FOR;**  
31 **-0- AGAINST; -0- NOT VOTING; and 213.8[03] ABSENT, pursuant to the powers vested in the**  
32 **Council by Article VI, Section 1(a) of the Constitution of the Tohono O'odham Nation, adopted by**  
33 **the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**  
34 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**  
35 **18, 1934 (48 Stat.984).**  
36

TOHONO O'ODHAM LEGISLATIVE COUNCIL

*Timothy C. Joaquin* *for*  
Timothy Joaquin, Legislative Chairman

5 day of May, 2020

ATTEST:

*Evonne Wilson*  
Evonne Wilson, Legislative Secretary

5 day of May, 2020

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**ACTION: AUTHORIZING ACCEPTANCE OF LOGMEIN USA, INC. AGREEMENT AND TERMS OF SERVICE**

**MOVED: COUNCILWOMAN JANICE FELIX**

**SECOND: COUNCILWOMAN TERESA F. DONHUE**

**DATE: MAY 01, 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
	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(Absent) (Racheal Vilson-Stoner) (Present)	119.45	X			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 (Yolonda Garcia)	122.25	X			
	2. MARY LOPEZ (Ann M. Garcia)	122.25	X			
<b>TOTAL</b>		<b>3,175.7</b>	<b>2,961.9</b>	<b>-0-</b>	<b>-0-</b>	<b>213.8</b> <b>[03]</b>