

**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
Project for IRR 34 and IRR 42 on the Tohono O'odham Nation)**

RESOLUTION NO. 20-246

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vest the Legislative Council with
2 the power to "consult, negotiate and conclude agreements and contracts on
3 behalf of the Tohono O'odham Nation with Federal, State and local governments
4 and other Indian tribes or their departments, agencies, or political subdivisions,
5 or with private persons or organizations on all matters within the authority of the
6 Tohono O'odham Council." (Constitution, Article VI, Section 1(f)); and

7 **WHEREAS,** the Planning and Economic Development Department has negotiated an
8 Intergovernmental Agreement with the State of Arizona to allow the Arizona
9 Department of Transportation to perform certain road improvements on the
10 Nation's lands under the Federal Highway Safety Improvement Program and the
11 High Risk Rural Roads Program; and

12 **WHEREAS,** the improvements will be implemented along IRR 34 from IRR 15 to the end of the
13 pavement, which comprises approximately five miles as well as on IRR 42 from
14 IRR 44 in Cockleburr to Stanfield Road, which compromises approximately four
15 miles; and

16 **WHEREAS,** the improvements will include the installation of new thermoplastic striping,
17 new signage, raised pavement markings ("RPM"), ground in shoulder rumble
18 strips, and white trimming along the edge of the pavement where necessary; and

19 **WHEREAS,** the Intergovernmental Agreement requires that, in the event the Parties cannot
20 resolve their dispute informally after attempting to work in good faith, that
21 disputes be subject to arbitration and that an order compelling arbitration or a
22 judgment enforcing an arbitration award be enforced by a state or tribal court;
23 and

24 **WHEREAS,** the Intergovernmental Agreement also requires the Nation consent to a limited
25 waiver of its sovereign immunity to allow the State of Arizona to sue the Nation on
26 an arbitration award; and

27 **WHEREAS,** the Agricultural and Natural Resources Committee has reviewed the
28 Intergovernmental Agreement and recommends its approval.

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

- 30 1. Approves the Intergovernmental Agreement between the Tohono O'odham
31 Nation and the State of Arizona substantially in the form attached; provided
32 that any amendments to the Intergovernmental Agreement shall be
33 submitted to the Legislative Council for prior approval.

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2. Approves a limited waiver of the Nation's sovereign immunity to implement the dispute resolution provisions of the Intergovernmental Agreement.
3. Authorizes the Tohono O'odham Nation chairperson to execute the Intergovernmental Agreement on behalf of the Nation, and to execute any additional documents reasonably necessary to implement the Intergovernmental Agreement.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12TH day of AUGUST, 2020 at a meeting at which a quorum was present with a vote of 3,175.7 FOR; -0- AGAINST; -0- NOT VOTING; and -0- 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

14 day of August, 2020

ATTEST:

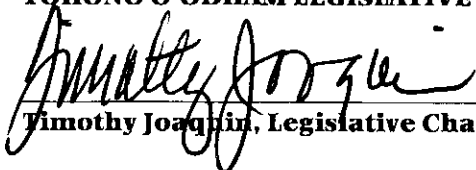


Evonne Wilson, Legislative Secretary

13 day of August, 2020

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 14 day of August, 2020 at 9:02 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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1 APPROVED

on the 14 day of August, 2020

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3 DISAPPROVED

at 11:50 o'clock, a.m.

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

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13 Returned to the Legislative Secretary on the 14 day of

14 August, 2020, at 12:09 o'clock, p.m.

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16 Evonne Wilson
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19 Evonne Wilson, Legislative Secretary

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ACTION: APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION AND THE STATE OF ARIZONA TO IMPLEMENT A HIGHWAY SAFETY IMPROVEMENT PROGRAM PROJECT FOR IRR 34 AND IRR 42 ON THE TOHONO O'ODHAM NATION

Moved: COUNCILWOMAN MONICA K. MORGAN

SECOND: COUNCILWOMAN MARY LOPEZ

DATE: AUGUST 12, 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 (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			
SELLS 547.1	1. EVELYN JUAN MANUEL ()	273.55	X			
	2. ARTHUR WILSON ()	273.55	X			
SIF OIDA K 244.5	1. LUCINDA ALLEN (Yolonda Garcia)	122.25	X			
	2. MARY LOPEZ (Ann M. Garcia)	122.25	X			
TOTAL		3,175.7	3,175.7	-0-	-0-	-0-