

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving an Agreement Between the Tohono O'odham Nation and the City of**  
**Glendale and Granting a Limited Waiver of Sovereign Immunity)**

**RESOLUTION NO. 21-029**

1 **WHEREAS, the Tohono O'odham Nation is a federally recognized Indian tribe organized**  
2 **pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat.**  
3 **984; 25 U.S.C. § 476), which exercises sovereignty over both its members and its**  
4 **lands; and**

5 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to “consult,**  
6 **negotiate and conclude agreements and contracts on behalf of the Tohono**  
7 **O'odham Nation with Federal, State and local governments and other Indian**  
8 **tribes or their departments, agencies, or political subdivisions, or with private**  
9 **persons or organizations on all matters within the authority of the Tohono**  
10 **O'odham Council” (Constitution of the Tohono O'odham Nation, Article VI,**  
11 **Section 1(f)); and**

12 **WHEREAS, the Tohono O'odham Legislative Council has appointed an Economic**  
13 **Development Delegation consisting of the Chairperson of the Nation and the**  
14 **Chairpersons of the Tohono O'odham Legislative Council Commerce Committee,**  
15 **Agricultural and Natural Resources Committee, and Budget and Finance**  
16 **Committee to address issues relating to the Nation's ownership and use of certain**  
17 **lands for economic development and other purposes; and**

18 **WHEREAS, in 2014 and by Resolution No. 14-317, the Nation and the City of Glendale entered**  
19 **a mutually beneficial settlement agreement to resolve litigation and support the**  
20 **economic development, including gaming, on Nation's trust lands within the**  
21 **West Valley Area and adjacent to the City of Glendale; and**

22 **WHEREAS, the Nation anticipates pursuing additional economic development on**  
23 **undeveloped land located in an unincorporated area within the exterior**  
24 **boundaries of Maricopa County and within the City's municipal planning area**  
25 **(the “Property”); and**

26 **WHEREAS, the Nation's Economic Development Delegation has presented to the Legislative**  
27 **Council a proposed agreement between the Nation and the City of Glendale (the**  
28 **“Agreement”) to support economic development on the Property and for other**  
29 **purposes; and**

30 **WHEREAS, the Agreement requires a limited waiver of the sovereign immunity of the Nation**  
31 **solely in favor of the City of Glendale to allow the Agreement to be enforced in**  
32 **accordance with its terms; and**  
33

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1 **WHEREAS, the Budget and Finance, Commerce, and Agricultural and Natural Resources**  
2 **Committees of the Legislative Council have reviewed the Agreement, including**  
3 **the proposed limited waiver of the Nation's sovereign immunity and necessary**  
4 **appropriation of funds, and recommend that the Nation enter into an agreement**  
5 **with the City of Glendale on terms that are substantially the same as those set**  
6 **forth in the Agreement.**

7 **NOW, THEREFORE, BE IT RESOLVED: that the Tohono O'odham Legislative Council approves and**  
8 **authorizes the following:**

- 9           1.     **The Legislative Council approves the Agreement with the City of Glendale**  
10           **and authorizes the Chairman to execute the Agreement with the City of**  
11           **Glendale in substantially the form presented to the Legislative Council.**  
12           2.     **The Nation hereby grants a limited waiver of the sovereign immunity from**  
13           **suit of the Nation solely in favor of the City of Glendale in accordance with**  
14           **the attached Exhibit A to this resolution.**  
15           3.     **The Legislative Council appropriates from the Nation's general fund the**  
16           **amount necessary to make the one-time payment provided under Section**  
17           **8(A) of the Agreement; provided that the Nation's treasurer shall make**  
18           **such payment in accordance with the terms of the Agreement.**

19 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 21<sup>ST</sup>**  
20 **day of JANUARY, 2021 at a meeting at which a quorum was present with a vote of 2,746.65 FOR;**  
21 **429.05 AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council**  
22 **by Article V; Article VI; Article VI, Section 1(d), 1(f), 1(i) of the Constitution of the Tohono O'odham**  
23 **Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting**  
24 **Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section**  
25 **16 of the Act of June 18, 1934 (48 Stat.984).**

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27 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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31 **Timothy Joaquin, Legislative Chairman**

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33 21 day of January, 2021

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36 **ATTEST:**

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39 **Evonne Wilson, Legislative Secretary**

40  
41 21 day of January, 2021  
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**(Approving an Agreement Between the Tohono O'odham Nation and the City of Glendale and Granting a Limited Waiver of Sovereign Immunity)**

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1 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**  
2 **O'odham Nation on the 22 day of January, 2021 at 10 o'clock, A .m.,**  
3 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**  
4 **effective upon his approval or upon his failure to either approve or disapprove it within 48**  
5 **hours of submittal.**  
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7 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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12 **Timothy Joaquin, Legislative Chairman**  
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16  **APPROVED**

on the 22 day of January, 2021

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18  **DISAPPROVED**

at 11:20 o'clock, A .m.

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23 **NED NORRIS, JR., CHAIRMAN**  
24 **TOHONO O'ODHAM NATION**  
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29 **Returned to the Legislative Secretary on the 22 day of**

30 January, 2021, at 11:55 o'clock, A .m.

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34 **Evonne Wilson, Legislative Secretary**  
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**ACTION: APPROVING AN AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION AND THE CITY OF GLENDALE AND GRANTING A LIMITED WAIVER OF SOVEREIGN IMMUNITY**

**Moved: COUNCILWOMAN JANICE FELIX**

**SECOND: COUNCILWOMAN MARY LOPEZ**

**DATE: JANUARY 21, 2021**

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			X
	2. TIMOTHY L. JOAQUIN (Absent) (Louis L. Johnson) (Present)	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			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 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>2,746.65</b>	<b>429.05</b>	<b>-0-</b>	<b>[02]</b>