

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Construction Contract between Canyon Building and Design LLC and the
Tohono O'odham Nation for San Xavier District Fire and Police Substation)

RESOLUTION NO. 21-050

1 **WHEREAS,** the Legislative Council is vested with the authority 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” (Constitution of the Tohono O’odham Nation, Article VI, Section 1(f)); and
7 **WHEREAS,** the Tohono O’odham Legislative Council is authorized “to manage any funds
8 within the exclusive control of the Tohono O’odham Nation . . . and to appropriate
9 these funds for the benefit of the Nation and its members” provided that “[a]ll
10 expenditures of these funds shall be pursuant to appropriations or budgets”
11 authorized by resolution or ordinance (Constitution of the Tohono O’odham
12 Nation, Article VI, Section 1(d)(2)); and
13 **WHEREAS,** in October 2007, the Legislative Council by Resolution No. 07-670 approved an
14 appropriation of \$4,055,700.00 to purchase a ladder truck and other emergency
15 response vehicles to increase fire protection services near the Desert Diamond
16 Casino and Hotel Tucson location, and to construct a fire and police substation to
17 house additional vehicles and new staff members; and
18 **WHEREAS,** in January 2008, the Tohono O’odham Fire Department selected LEA Architects
19 LLC to design the fire and police substation; and
20 **WHEREAS,** in December, 2012, the San Xavier District Council by District Resolution No.
21 SXDC 12-12-04, approved the construction of the Rancho de Martinez substation
22 (“Fire Station”) to be located on three acres on the eastern edge of the San Xavier
23 farms on the north side of San Xavier Road; and
24 **WHEREAS,** in October, 2020, the Legislative Council by Resolution No. 20-351 approved the FY
25 2021 Fire Department Capital Project Budget in the amount of \$4,699,533.40 to be
26 funded by the Nation’s general fund; and
27 **WHEREAS,** in a bidding process conducted by the Tohono O’odham Fire Department in
28 January, 2020, the Tohono O’odham Fire Department selected the construction
29 firm Canyon Building & Design LLC (“Canyon”) to construct the fire and police
30 substation; and
31 **WHEREAS,** the Tohono O’odham Fire Department submitted for review and approval the
32 construction contract, consisting of all of the documents enumerated in AIA
33 Document A101-2017, Article 9 (hereinafter, the “Contract”) with Canyon to

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construct the fire and police substation, which are incorporated by this reference in substantially the form attached, in the amount of \$3,714,689.00; and

WHEREAS, the Contract includes a binding arbitration clause, which requires a limited waiver of the Nation's sovereign immunity; and

WHEREAS, the Domestic Affairs Committee has reviewed the Contract between Canyon Building and Design LLC and the Tohono O'odham Nation and recommend approval.

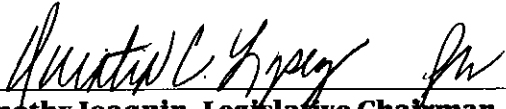
NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the Contract to construct the fire and police substation in the amount of \$3,714,689.00.

BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council approves a partial waiver of the Nation's sovereign immunity solely limited to the terms of Section 15.4 of the Contract.

BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council authorizes the Nation's chairperson or any designated official to sign and execute the Contract substantially in the form attached; provided, however, that any amendments to the Contract shall be submitted for prior approval by the Tohono O'odham Legislative Council.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10TH day of FEBRUARY, 2021 at a meeting at which a quorum was present with a vote of 3,175.7 FOR; -0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(d)(2) and 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
17 day of February, 2021

ATTEST:



Evonne Wilson, Legislative Secretary

17 day of February, 2021

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 18 day of February, 2021 at 3:37 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 18 day of February, 2021

DISAPPROVED

at 3:55 o'clock, P.m.

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

Returned to the Legislative Secretary on the 19 day of

February, 2021, at 4:01 o'clock, P.m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: APPROVING A CONSTRUCTION CONTRACT BETWEEN CANYON BUILDING AND DESIGN LLC AND THE TOHONO O'ODHAM NATION FOR SAN XAVIER DISTRICT FIRE AND POLICE SUBSTATION

Moved: COUNCILWOMAN MARLAKAY HENRY

SECOND: COUNCILWOMAN JANICE FELIX

DATE: FEBRUARY 10, 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			
	2. TIMOTHY L. JOAQUIN (<i>Absent</i>) (Louis L. Johnson) (<i>Present</i>)	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 (<i>Absent</i>) (Lorraine M. Eiler) (<i>Present</i>)	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			X
SIF OIDAK 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-	[02]