

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Agreeing to the Casa Grande Professional Offices Condominium Association Documents  
and Granting a Limited Waiver of the Nation's Sovereign Immunity)**

**RESOLUTION NO. 22-118**

- 1 **WHEREAS,** the Constitution of the Tohono O'odham Nation ("Nation") vests the Legislative  
2 Council with the authority to "promote, protect and provide for public health,  
3 peace, morals, education and general welfare of the Tohono O'odham Nation and  
4 its members" and "to purchase or otherwise acquire property" (Constitution,  
5 Article VI, Section 1(c)(2) and 1(i)(3)); and
- 6 **WHEREAS,** on December 13, 2021, by Resolution No. 21-473, the Nation approved a budget for  
7 the Tohono O'odham Nation Health Care ("TONHC") to negotiate and execute a  
8 purchase offer for the following property that can be used as a TONHC Casa  
9 Grande Health Care Clinic ("Clinic"):
- 10
- 11       o Pinal County Assessor Parcel Number 505-82-0150, with a physical address at  
12 1876 E Sabin Drive, Casa Grande, Arizona 85122, which is a contiguous +/- 5,978.6  
13 square foot medical/office space within a +/-9,134 multi-tenant office project
- 14
- 15 **WHEREAS,** the Clinic is one of several units located in a condominium facility governed by  
16 three documents which include: (1) Declaration Establishing Casa Grande  
17 Professional Offices Condominium Association and Declaration of Covenants,  
18 Conditions, Restrictions and Easements ("CC&Rs"); (2) Articles of Incorporation  
19 of Casa Grande Professional Offices Condominium Association; and (3) Bylaws of  
20 Casa Grande Professional Offices Condominium Association (herein collectively  
21 called the "Condominium Documents"), which must be complied with by every  
22 member with an ownership interest in the facility; and
- 23 **WHEREAS,** the CC&Rs require the Nation to agree to a limited waiver of its sovereign  
24 immunity in order to fulfill its obligations of condominium owner/member as set  
25 forth in the Condominium Documents; and
- 26 **WHEREAS,** as such, the Nation has considered authorizing a limited waiver of its sovereign  
27 immunity: (1) that will be effective during the time the Nation owns a  
28 condominium unit and is a member of the Casa Grande Professional Offices  
29 Condominium Association; (2) solely in favor of a "Bound Party" as defined in  
30 Article 18, Dispute Resolution, of the CC&Rs; (3) for those "Claims" specifically  
31 described in Article 18, Dispute Resolution, of the CC&Rs; (4) in accordance with  
32 the explicit language contained in Article 18, Dispute Resolution, of the CC&Rs

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**(Agreeing to the Casa Grande Professional Offices Condominium Association Documents and Granting a Limited Waiver of the Nation's Sovereign Immunity)**

**Page 2 of 3**

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which sets out an increasingly progressive dispute resolution procedure and begins with good faith negotiation, progresses to mediation, thereafter imposes binding arbitration and finally permits litigation; and (5) complies with the rights and remedies set out in Section 19, Remedies, of the CC&Rs; and

**WHEREAS,** any limited waiver granted shall not be enforceable by or create any additional third-party beneficiary rights to suits or private causes of action in favor of third parties; and

**WHEREAS,** further, any limited waiver permitted must solely be used for the purpose of enforcing the provisions of the Condominium Documents and enforcing any award thereunder and for no other purpose; and

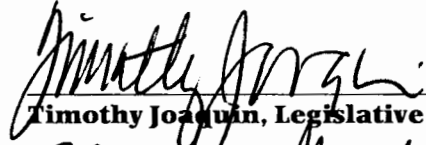
**WHEREAS,** the Health and Human Services and Agricultural and Natural Resources Committees have reviewed the Casa Grande Professional Offices Condominium Association Documents and recommend that the Nation agree to them.

**NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council agrees to the Casa Grande Professional Offices Condominium Association Documents and grants of a limited waiver of the Nation's sovereign immunity under the conditions set forth under Article 18 of the CC&Rs.

**BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that the Tohono O'odham Nation chairperson or any designated official is authorized to execute any documents necessary to implement this resolution.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 17<sup>TH</sup> day of MARCH, 2022 at a meeting at which a quorum was present with a vote of 3,218.0 FOR; -0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by, Article VI, Section 1(c)(2) and 1(d)(2) and 1(i)(3) 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  
22 day of March, 2022

RESOLUTION NO. 22-118

(Agreeing to the Casa Grande Professional Offices Condominium Association Documents and Granting a Limited Waiver of the Nation's Sovereign Immunity)

Page 3 of 3

ATTEST:

*Evonne Wilson*

Evonne Wilson, Legislative Secretary

22 day of March, 2022

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 22 day of March, 2022 at 8:25 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 Joaquin*

Timothy Joaquin, Legislative Chairman

APPROVED

on the 22 day of March, 2022

DISAPPROVED

at 8:31 o'clock, p.m.

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

Returned to the Legislative Secretary on the 22 day of

March, 2022, at 8:34 o'clock, p.m.

*Evonne Wilson*

Evonne Wilson, Legislative Secretary

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**ACTION: AGREEING TO THE CASA GRANDE PROFESSIONAL OFFICES CONDOMINIUM ASSOCIATION DOCUMENTS AND GRANTING A LIMITED WAIVER OF THE NATION'S SOVEREIGN IMMUNITY**

**MOVED: COUNCILWOMAN MARLAKAY HENRY**

**SECOND: COUNCILWOMAN MARIETTA MARTIN**

**DATE: MARCH 17, 2022**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 245.6	1. MARY LOPEZ (Ann M. Garcia) 2. LUCINDA ALLEN (Francis Homewytewa)	122.8 122.8	X X			
SELLS 556.5	1. ARTHUR WILSON ( ) 2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25 278.25	X X			
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza) 2. DELISA M. RAMON ( <i>Absent</i> ) (Sharon A. Francisco) ( <i>Present</i> )	95.25 95.25	X X			X
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner) 2. JANICE FELIX (Adam P. Andrews)	121.3 121.3	X X			
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eiler) 2. ROGER MANUEL (Christina Andrews)	121.9 121.9	X X			
PISINEMO 232.7	1. MARIETTA MARTIN ( ) 2. EDWARD D. MANUEL (Monica Morgan)	116.35 116.35	X X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ ( ) 2. SANDRA D. ORTEGA ( <i>Absent</i> ) (Delma M. Garcia) ( <i>Present</i> )	108.3 108.3	X X			
GU VO 270.7	1. GRACE MANUEL ( ) 2. CYNTHIA SAAVEDRA (Dallas Lewis)	135.35 135.35	X X			
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN ( ) 2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25 139.25	X X			
CHUKUT KUK 351.6	1. MARLAKAY HENRY (Billman Lopez) 2. VIVIAN JUAN-SAUNDERS ( <i>Absent</i> ) (Cornelius Antone) ( <i>Present</i> )	175.8 175.8	X X			
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone) 2. LEANDER MASE (Francine Schooling)	194.45 194.45	X X			
	<b>TOTAL</b>	<b>3,218.0</b>	<b>3,218.0</b>	<b>-0-</b>	<b>-0-</b>	<b>[01]</b>