

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL

(Approving the Amended and Restated Intergovernmental Agreement between Baboquivari Unified School District and the Tohono O'odham Nation for the Joint Provision of Language and Culture Instruction and Appropriating Funds for Phase II of the Tohono O'odham Culture and Language Program)

RESOLUTION NO. 22-326

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Legislative Council with
2 the authority 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 "to promote, protect and provide for public health, peace, morals, education
5 and general welfare of the Tohono O'odham Nation and its members"
6 (Constitution, Article VI, Section I(c)(2) and Section 1 (f)); and

7 **WHEREAS,** by Resolution No. 21-242, the Legislative Council approved an Intergovernmental
8 Agreement between the Tohono O'odham Nation and Baboquivari Unified School
9 District ("BUSD") for the Tohono O'odham Culture and Language Program and
10 appropriated funds for Phase I, which funded salaries and benefits for a culture
11 and language director and two culture and language teachers during the BUSD
12 2021-2022 school year; and

13 **WHEREAS** BUSD has submitted for review and approval (1) its proposal for Phase II of the
14 Tohono O'odham Culture and Language Program and (2) the Amended and
15 Restated Intergovernmental Agreement between Baboquivari Unified School
16 District and the Tohono O'odham Nation for the Joint Provision of Language and
17 Culture Instruction (the "Agreement"), which is incorporated by this reference;
18 and

19 **WHEREAS,** the Amended and Restated Intergovernmental Agreement between Baboquivari
20 Unified School District and the Tohono O'odham Nation for the Joint Provision of
21 Language and Culture Instruction includes amendments to clarify that if the
22 parties agree to proceed to Phase II, that the salaries of the teachers shall be
23 subject to appropriate annual salary adjustments applicable to all professional
24 employees of BUSD, that any funds provided by the Nation in any school year that
25 remain unused at the end of that school year shall be carried over and applied to
26 the Nation's obligation for the subsequent school year, and that unless otherwise
27 extended by agreement of the parties, the Agreement shall terminate on June 30,
28 2027; and

29 **WHEREAS,** during Phase II of the Tohono O'odham Culture and Language Program, BUSD
30 will fund the salaries of the two teachers and a director and the Nation will
31 provide financial support starting school year 2022-2023 through June 30, 2027,

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(Approving the Amended and Restated Intergovernmental Agreement between Baboquivari Unified School District and the Tohono O'odham Nation for the Joint Provision of Language and Culture Instruction and Appropriating Funds for Phase II of the Tohono O'odham Culture and Language Program)

Page 2 of 3

1 subject to Council appropriation of funds, for an additional six Tohono O'odham
2 language teachers; and

3 **WHEREAS,** the Human Resources Development, Cultural Preservation, and Budget and
4 Finance Committees have reviewed the Amended and Restated
5 Intergovernmental Agreement and 2022-2023 school year Phase II appropriation
6 request and recommend approval.

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

8 1. approves the Amended and Restated Intergovernmental Agreement between
9 the Baboquivari Unified School District and the Tohono O'odham Nation for the
10 Joint Provision of Language and Culture Instruction; and

11 2. appropriates \$278,386.62 from the Nation's general fund for distribution to the
12 Baboquivari Unified School District for the 2022-2023 school year Phase II of the
13 Tohono O'odham Culture and Language Program with the express goal of
14 language revitalization, provided that BUSD will continue to gather and present
15 annual data of the ongoing progress of the program.

16 **BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that BUSD may request
17 funding for the 2023-2024 school year, provided that any funds appropriated by
18 the Nation in any school year that remain unused at the end of that school year
19 shall be carried over and applied to the Nation's obligation for the following
20 school year.

21 **BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that the Nation's
22 chairperson or designated official is authorized to execute the Amended and
23 Restated Intergovernmental Agreement between the Baboquivari Unified School
24 District and the Tohono O'odham Nation for the Joint Provision of Language and
25 Culture Instruction, provided that any amendments to the Agreement shall be
26 submitted for prior approval by the Legislative Council.

27 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13TH**
28 **day of SEPTEMBER, 2022 at a meeting at which a quorum was present with a vote of 3,218.0 FOR;**
29 **-0- AGAINST; -0- NOT VOTING; and -0- ABSENT, pursuant to the powers vested in the Council by,**
30 **Article VI, Section I(c)(2) and Section 1(f) of the Constitution of the Tohono O'odham Nation,**
31 **adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy**
32 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the**
33 **Act of June 18, 1934 (48 Stat.984).**

34
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Page 3 of 3

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin

Timothy Joaquin, Legislative Chairman

20 day of September, 2022

ATTEST:

Evonne Wilson

Evonne Wilson, Legislative Secretary

20 day of September, 2022

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 20 day of September, 2022 at 4:33 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 September, 2022

DISAPPROVED

at 8:42 o'clock, A.m.

Ned Norris, Jr.

NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 22 day of

September, 2022, at 12:00 o'clock, P.m.

Evonne Wilson

Evonne Wilson, Legislative Secretary

ACTION: APPROVING THE AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT BETWEEN BABOQUIVARI UNIFIED SCHOOL DISTRICT AND THE TOHONO O'ODHAM NATION FOR THE JOINT PROVISION OF LANGUAGE AND CULTURE INSTRUCTION AND APPROPRIATING FUNDS FOR PHASE II OF THE TOHONO O'ODHAM CULTURE AND LANGUAGE PROGRAM

Moved: COUNCILWOMAN JANICE FELIX
DATE: SEPTEMBER 13, 2022

SECOND: COUNCILWOMAN MARLAKAY HENRY

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