



Contract Number: CT-EC-12\*1179-01  
Effective Date: 09-03-2013  
Term Date: 06-30-2016  
Cost: 0  
Revenue: 0  
Total: 0 NTE: 04-01-2016  
Action: 06-30-2016  
Renewal By: VB  
Term: 06-30-2016  
Reviewed by: VB

## **BOARD OF SUPERVISORS AGENDA ITEM SUMMARY**

Requested Board Meeting Date: September 3, 2013

### **ITEM SUMMARY, JUSTIFICATION &/or SPECIAL CONSIDERATIONS:**

The Pima County Regional Flood Control District requests approval to amend the Intergovernmental Agreement (IGA) to facilitate completion of the Pascua Yaqui Tribe's Black Wash flood control project approved by voters in the 2004 Bond package. The 2004 Bond amount approved was \$1,000,000. Design was completed under a prior IGA that expired in 2007 due to inaction by the Tribe. In 2009, a second IGA was approved at the Tribe's request and utility relocation was completed. Two days prior to the expiration of the second IGA on June 28, 2013, the Tribe requested an amendment to facilitate completion of the project with the remaining funds of \$471,863. The Tribal Council approved the amendment on July 10, 2013.

CONTRACT NUMBER (If applicable): 01-59-P-141987-0602

STAFF RECOMMENDATION(S): Approval

CLERK OF BOARD USE ONLY: BOS MTG. \_\_\_\_\_

ITEM NO. \_\_\_\_\_

PIMA COUNTY COST: 0 and/or REVENUE TO PIMA COUNTY:\$ \_\_\_\_\_

FUNDING SOURCE(S): 2004 Bond  
(i.e. General Fund, State Grant Fund, Federal Fund, Stadium D. Fund, etc.)

**Advertised Public Hearing:**

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YES

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NO

**Board of Supervisors District:**

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All

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**IMPACT:**

**IF APPROVED:** Tribe will complete selected drainage improvements.

**IF DENIED:** Flooding will continue in housing, government services, and commercial areas and all weather access will continue to be limited.

DEPARTMENT NAME: Regional Flood Control District

CONTACT PERSON: Greg Saxe

TELEPHONE NO.: 724-4600

DIRECTOR'S SIGNATURE: \_\_\_\_\_



Suzanne Shields, P.E.

Deputy County Attorney for the District

JUL 30 2013

# PASCUA YAQUI TRIBE

RFCD

RESOLUTION NO. C07-157-13



**RESOLUTION OF THE PASCUA YAQUI TRIBE ADOPTING AMENDMENT  
NUMBER ONE TO THE 2009 PIMA COUNTY LOCAL DRAINAGE IMPROVEMENTS  
IGA WITH PIMA COUNTY, ARIZONA, FOR FLOOD CONTROL IMPROVEMENTS  
ON THE PASCUA YAQUI RESERVATION.**

**WHEREAS,** the Tribal Council is vested with the power to negotiate and execute agreements with state and local governments, including Pima County, to apply for and accept grants, and to appropriate available tribal funds for public, governmental and business purposes serving the general welfare of the Pascua Yaqui Tribe (Article VI, Sections 1(a), (d), and (s) of the Constitution of the Pascua Yaqui Tribe); and

**WHEREAS,** the Tribal Council adopted Resolution C10-188-04 on December 7, 2004, approving the 2004 Pima County Local Drainage Improvements IGA (the "2004 Pima County IGA"), Contract No. 01-04-P-135374-1104, which allocates to the Tribe up to one million dollars (\$1,000,000) for reimbursement costs to construct drainage improvements designed to relieve localized flooding in and around the Pascua Yaqui Reservation; and

**WHEREAS,** the term of the 2004 Pima County IGA expired on December 31, 2007, which was prior to the completion of the work called for in that agreement; and

**WHEREAS,** the parties desired to extend the term for completion of the project, the Tribal Council approved Resolution C04-55-09 on April 7, 2009, which executed the 2009 Pima County Local Drainage Improvements IGA (the "2009 Pima County IGA"), Contract No. 01-59-P-141987-0602, extending the term for the completion of the project to June 30, 2013; and

**WHEREAS,** the term of the 2009 Pima County IGA expired on June 30, 2013, before the project could be fully completed; and

**WHEREAS,** the parties yet again desired to extend the term for completion of the project, Pima County has proposed an amendment (the "Amendment Number One") to the 2009 Pima County IGA, which is incorporated by reference, that extends the completion date of the agreement until June 30, 2016; and

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**RESOLUTION NO. C07-157-13  
2009 PIMA COUNTY IGA**

**WHEREAS**, the Tribal Council of the Pascua Yaqui Tribe believes it is in the best interests of the health and welfare of the Pascua Yaqui Tribe, and its members, to adopt Amendment Number One to the 2009 Pima County IGA.

**NOW THEREFORE BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE PASCUA YAQUI TRIBE** that the Tribal Council hereby (1) approves Amendment Number One to the 2009 Pima County IGA, Contract No. 01-59-P-141987-0602, to extend the effective completion date of the project until June 30, 2016; (2) authorizes the Chairman of the Tribe to execute the amended agreement on behalf of the Tribe; and (3) authorizes the Chairman of the Tribe to sign all documents and take any necessary and proper action to execute, implement, and enforce Amendment Number One to the 2009 Pima County IGA, Contract No. 01-59-P-141987-0602.

**CERTIFICATION**

**THE FOREGOING** was on **July 10, 2013** duly adopted by a vote of **TEN** in favor, **ZERO** opposed, and **ZERO** abstained, by the Tribal Council of the Pascua Yaqui Tribe pursuant to authority vested in it by Article VI, Section 1(a), (d), and (s) of the Constitution of the Pascua Yaqui Tribe, as adopted on January 26, 1988 and approved by the Secretary of the Interior on February 8, 1988 pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 48).

  
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**CHAIRMAN OF THE PASCUA YAQUI TRIBE**

  
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**SECRETARY OF THE PASCUA YAQUI TRIBE**

