

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

CC: 8C
Amend No. _____

Date prepared: October 1, 2009

Council Meeting Date: October 20, 2009

TO: Honorable Mayor and Council
FROM: Carl Swenson, City Manager
PREPARED BY: Tamara Shreeve, Grant Coordinator

SUBJECT: Grant-in-Aid Fiscal Agent Agreement between the Tohono O'odham Nation and City of Peoria on behalf of the Challenger Space Center of Arizona

RECOMMENDATION: Mayor and City Council approve the Grant-In-Aid Fiscal Agent Agreement between the Tohono O'odham Nation and the City of Peoria on behalf of the Challenger Space Center of Arizona.

Additionally, we request that Mayor and Council authorize a \$50,000 budget transfer from the Proposed Grant contingency account (7990-7990-570000) to the General Fund Non-departmental – Community Promotions account (1000-0300-522099) to allow for the payment to the Challenger Space Center. The revenue will be deposited in the General Fund grant revenue account.

SUMMARY:

The Challenger Space Center of Arizona (Challenger Space Center) applied for and was awarded a \$50,000 grant from the Tohono O'odham Nation's 12 percent gaming distribution grant program. The Challenger Space Center's proposal requested \$50,000 to purchase hands-on exhibits, museum-quality display cases, simulated missions, field trip programs for students, advertising, printing, personnel costs, insurance and supplies.

As stated in the Tohono O'odham Nation's Request for Proposal, a non-government organization (non-profit) must identify a city, town or county located within Arizona, that will agree to pass through grant funds. The Challenger Space Center is a nonprofit 501(c) (3) organization and has requested that the City of Peoria act as the fiscal pass through agent. The Tohono O'odham's Grant-in-Aid Fiscal Agreement identifies the City as the pass through municipality, and the Challenger Space Center as the Grantee.

CITY CLERK USE ONLY:

- Consent Agenda
- Carry Over to Date: _____
- Approved
- Unfinished Business (Date heard previous: _____)
- New Business
- Public Hearing: No Action Taken

ORD. # _____ RES. # _____
LCON# 08409 LIC. # _____
Action Date: _____

FISCAL NOTE:

There would be no fiscal impact to the City of Peoria, as this is a pass through grant. This requires a \$50,000 budget transfer from the Proposed Grant contingency account (7990-7990-570000) to the General Fund Non-departmental – Community Promotions account (1000-0300-522099) to allow for the payment to the Challenger Space Center. The revenue will be deposited in the General Fund grant revenue account.

ATTACHMENTS:

1. Request for Proposals for Arizona Revised Statute 5-601-02 12 percent Gaming Distribution Tohono O'odham Nation
2. Challenger Space Center's grant proposal
3. Award letter from the Tohono O'odham Nation to the Challenger Space Center



TOHONO O'ODHAM NATION
OFFICE OF THE CHAIRMAN AND VICE CHAIRMAN

NED NORRIS JR.
CHAIRMAN

ISIDRO LOPEZ
VICE CHAIRMAN

May 4, 2009

In 2002, Arizona voters passed Proposition 202 which allowed for the continuation of limited Indian gaming on tribal lands in Arizona. Passage of this ballot measure was of tremendous importance as it ensures that Arizona tribes can continue to address the desperate poverty and needs that exist on tribal lands. On the Tohono O'odham Nation, gaming revenues are being used to improve the health and well-being of tribal members, strengthen public safety, open up educational opportunities, and address a multitude of other infrastructure needs.

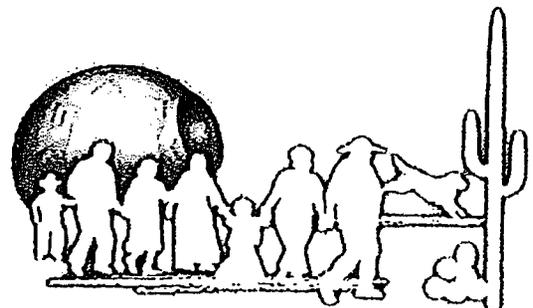
Under Proposition 202, Arizona tribes also agreed to share a portion of their revenues with the State of Arizona. Of the revenues shared, 12 percent is made available to cities, towns, or counties for a purpose benefiting the general public through either direct distribution to the local governments or in the form of a deposit to the State of Arizona's Commerce and Economic Development Commission's Local Community Fund.

For its 2009 revenue sharing, the Tohono O'odham Nation has chosen to contribute directly to local governments. In addition, quality non-profit organizations may work with local governments to qualify for the funding available from the Nation. As a result, the Tohono O'odham Nation is seeking to obtain Requests for Funding Proposals from Arizona cities, towns, counties and non-profit organizations.

Attached are the specific criteria and timelines the Tohono O'odham Nation has set forth for identifying funding recipients. Proposals will be evaluated and awarded under the priorities established by the Tohono O'odham Nation.

Sincerely,

Ned Norris Jr., Chairman
Tohono O'odham Nation



OFFICE OF THE CHAIRMAN AND VICE CHAIRMAN



TOHONO O'ODHAM NATION
OFFICE OF THE CHAIRMAN AND VICE CHAIRMAN

NED NORRIS JR.
CHAIRMAN

ISIDRO LOPEZ
VICE CHAIRMAN

REQUEST FOR PROPOSALS
for the
Arizona Revised Statute 5-601-02
12% Gaming Distribution
Tohono O'odham Nation

Background

In 2002 Arizona eligible voters approved Proposition 202, which implemented a new requirement that Tribal/State Gaming Compacts must include a provision that the compacting tribe would contribute a portion of its annual net gaming revenues (the "Annual Contribution") for the benefit of the general public. Pursuant to Proposition 202, each tribe may determine the recipients of 12% of its total Annual Contribution (the "12% Payments"). The tribe has two options for directing the 12% Payments: 1) direct distribution from the tribe to cities, towns, and counties, or 2) deposits to the Arizona Commerce and Economic Development Commission, which are then given to the recipients of the tribe's choice. The Tohono O'odham Nation is required to select and finalize agreements with recipients of the 12% Payments no later than October 25 of each year.

Distribution Priority Areas for Fiscal Year 2009

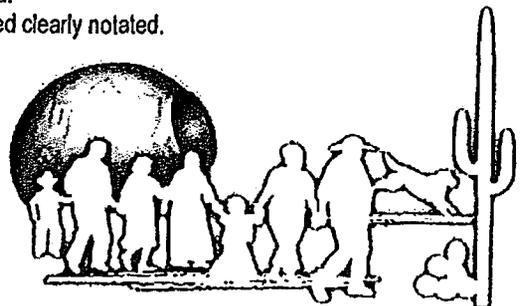
Proposals must address one or more of the following priority areas:

- a) Education
- b) Health Care
- c) Public Safety
- d) Child Advocacy
- e) Economic Development
- f) Cultural & Environmental Development and Protection

Proposal

Proposals shall be limited to 4 pages in length, typewritten in 12 point font. If the proposal is more than 4 pages, only the first 4 pages will be considered. Budgets are required and therefore will be counted as part of the 4 pages. Attachments, such as photos, are not considered as one of the 4 pages. All proposals must be sent via certified mail and must be postmarked no later than June 19, 2009. Only one copy per proposal is needed. It is recommended that a copy of the proposal is sent via e-mail to matts@smginc.com. However, providing a copy of the proposal via e-mail alone will not be deemed to have applied properly and only proposals received via certified mail will be considered. Proposals must:

- a) Explain the perceived need and explain how the proposal will address that need.
- b) Describe the population who will benefit from the proposal if approved.
- c) Include a budget of the requested funds, with a total amount requested clearly notated.



P.O. BOX 837 • SELLS, ARIZONA 85634
PHONE: 520-383-2028 • FAX: 520-383-3379

OFFICE OF THE CHAIRMAN

Tohono O'odham Nation

- d) List any other funding requests that have been made for this or substantially related proposals and provide the status of those requests.
- e) Indicate whether the entity has already received a 12% distribution from the Tohono O'odham Nation or other Arizona tribes, along with the amount and date awarded.
- f) Identify a designated contact person and alternate contact person for follow-up, including e-mail address, phone number, mailing address, and fax number for these persons.

- g) Indicate which priority area (from the above list) the proposal falls under.
- h) If the proposal is from a non-profit organization, include the name of the city, town, or county an agreement will be made with if funds are granted. Including a letter from the entity acknowledging their agreement to work with the non-profit is not necessary for the initial proposal.

Requirements

If you, the applicant, are a city, town or county located within the State of Arizona:

- 1) You will need to provide proof or cite some authority that you are authorized to seek and enter into a grant of this nature.
- 2) If selected, you will need to ensure that the government you represent is willing to negotiate and execute the Intergovernmental Agreement (IGA) with the Nation no later than September 25, 2009.

If you, the applicant, are any other non-governmental entity (not-for-profits, etc):

- 1) You will need to enter into an agreement with a city, town or county located within Arizona whereby that city, town, or county will agree to accept the grant funding from the Nation on your behalf. As a non-governmental entity, you bear the responsibility to find a municipality to flow the funding through and the Nation is not responsible for matching you with a government capable of receiving the funding.
- 2) The city, town, or county that has agreed to assist you to receive the grant will be required to enter into a Grant-in-Aid, Fiscal Agent agreement with the Nation in which the city, town, or county agrees to accept the funding on your behalf.

Timeline

- a) All proposals to be considered must be postmarked no later than June 19, 2009.
- b) Notification of decision will be mailed by August 21, 2009.
- c) Negotiation of Grant-in-Aid Agreements will commence immediately after notification.
- d) Negotiations of the Grant-in-Aid Agreements must be concluded no later than September 25, 2009.
- e) Approval of all Grant-in-Aid Agreements by the Nation and distribution of monies will occur no later than October 25, 2009.

Submitting Your Proposal / Contact Information

Address and mail all proposals via certified mail to:

Chairman Ned Norris Jr.
 Tohono O'odham Nation
 P.O. Box 837
 Sells, Arizona 85634
 ATTN: Peter Delgado
 (520) 383-2028 telephone
 (520) 383-3379 fax

Must be postmarked no later than June 19, 2009



June 15, 2009

The Honorable Ned Norris Jr., Chairman
Tohono O'odham Nation
P.O. Box 837
Sells, Arizona 85634
ATTN: Peter Delgado

RE: Request for Funding Proposal

Dear Chairman Norris:

The Challenger Space Center of Arizona, with the City of Peoria as the municipal fiscal agent, appreciates the opportunity to submit this Request for Funding Proposal from the Tohono O'odham Nation, in accordance with Arizona Revised Statute 5-601-02, the 12% Gaming Distribution.

The Challenger Space Center of Arizona in Association with the Smithsonian Institute, located in Peoria, is a nonprofit 501(c)(3) organization which uses the theme of space exploration as a platform to engage Arizona students in the critical STEM (science, technology, engineering, math) educational subjects. Since opening in the year 2000, the Challenger Space Center has welcomed over 300,000 visitors of all ages, most importantly children, to take part in our exciting educational programs. Annually, Challenger provides approximately \$32,000 a year in scholarship funding to students around the state, including many from Title I schools and deserving youth organizations.

Our specific RFP is in the priority area of Education and is for \$50,000, which includes funding for capital improvements and a provision for a specified amount to offer scholarships to Tohono O'odham West Valley students to participate in Challenger Space Center education programs at no cost. The majority of any grant monies received will be utilized to provide capital improvements through the purchase of much-needed hands-on exhibits as well as museum-quality display cases. To improve the public experience in the building, it is imperative that self-directed, interactive exhibits are added to compliment the current artifacts. Our unique affiliation with the Smithsonian Institution, which is sponsored by the City of Peoria, allows us to request extraordinary treasures from Smithsonian archives for display in Arizona. Both opportunities will greatly expand and enhance the experience.

A). Identifying the need: In 2008, Arizona administered a science component to the AIMS test (Arizona's Instrument to Measure Standards) for the first time with alarming results: Only 38% of high school students and 50% of fourth- and eighth-grade students passed the science portion of AIMS last year. Also of concern is the disparity in STEM interest and performance among minority students, which represent an increasing percentage of the U.S. population, particularly in the Southwest. A recent National Science Foundation report found that African-Americans, Hispanics, and Native Americans comprise more than 25 percent of the U.S. population, yet earn just 16.2 percent of the Bachelor degrees, 10.7 percent of the Masters degrees, and 5.4 percent of the Doctorate degrees in the fields of science and engineering. While the need for improved STEM education and teacher preparation is clear, Arizona schools cannot be expected to shoulder this responsibility alone. The depressed economy has resulted in severe state and federal education funding cutbacks and budget shortfalls that further strain overburdened classroom teachers.

A proven approach to successfully teaching STEM skills to children at all grade levels is through hands-on learning opportunities. A meta-analysis of 15 years of research on this method demonstrated that students in the activity-based programs performed 20 percentile units higher than traditional, textbook-based programs. The hands-on learning students scored higher than control groups in creativity, attitude, perception, logic development, language development, science content and mathematics. Importantly, economically/academically-disadvantaged students showed the greatest gains from the activity-based programs.

In order to address the urgent need for improved STEM education in Arizona, the Challenger Space Center offers a variety of award winning programs for children in grades preK-8, as well as simulated spaceflight missions for ages 10 through adults. However, much more can and should be done to expand and enhance our hands-on exhibits throughout the Center. Interactive exhibits will convey valuable standards-based science concepts to visitors in an engaging and effective manner. Photos of possible options for purchase are attached, with the final selection being made by an operations committee comprised of Challenger board and staff members, volunteers and interested parties including local educators. Examples include a Paper Airplane Wind Tunnel, which allows students to design their own paper airplane and then test it in a wind tunnel for flight stability, and an Orbit Table that lets students select from various satellite launchers with a range of trajectories to observe types of orbits, from standard circular types to highly elliptical.

In addition to purchasing hands-on exhibits, a portion of the grant monies received will be utilized to bring unique and memorable museum-quality exhibits to the Challenger Space Center. A required Facilities Report has been submitted to the Smithsonian and we are pre-approved pending our ability to securely house and display requested

pieces. Some of these exhibits will be science-related, while others may pertain to art, history, and other interrelated topics. A portion of these exhibits will be mobile and will be utilized to help the City of Peoria celebrate the Arizona statehood centennial in 2012. Examples of possible exhibits include "Earth from Space," featuring satellite imagery that helps scientists monitor the planets ever-changing conditions, and "Native Words, Native Warriors," an exhibit telling the remarkable story of Native American soldiers from more than a dozen tribes who used their Native languages in the service of the U.S. military.

Both the hands-on exhibits and the Smithsonian display cases will address the pressing need for improved STEM education in Arizona, utilizing the proven method of participatory learning.

In addition, the Challenger Space Center will set aside approximately \$4500 from the grant to provide scholarship funding for students at the Nation's appointment to attend field trips and simulated space missions at the Center in Peoria, or any education programs provided, by underwriting the cost up to the specified dollar amount.

B). All Arizona children who visit the Challenger Space Center with their schools, youth organizations and families will benefit by having greater access to hands-on learning opportunities that convey STEM topics. In particular, low-income and underserved students, who respond quite well to participatory learning conditions and often attend Challenger on partial or full scholarships, will greatly benefit from these user-friendly learning activities. Other visitors to the Center from the general public will also be able to experience the hands-on exhibits and Smithsonian displays, and some of these exhibits and displays may be mobile for even greater outreach throughout the state. In addition, Tohono O'odham selected students will benefit via free attendance to Challenger Space Center programs and field trips as defined in the budget.

C). Budget of Requested Funds

Hands-on, interactive exhibitions: \$25,000
Display cases (for Smithsonian artifacts): \$12,000
Installation of exhibitions and cases: \$2,000
Simulated Missions and fieldtrip programs for students: \$4,500
Advertising, printing, postage: \$2,000
Exhibition staff salaries and benefits: \$2,500
Insurance (non-payroll): \$1,000
Supplies: \$1,000
Total requested funds: \$50,000

D). Other funding requests for this proposal: None.

E). Other 12% disbursements from the tribe for this entity: None.

F): Designated contact persons:

Primary Contact: Mary Lynn Kelly
Executive Director
21170 N. 83rd Avenue
Peoria, AZ 85382
Phone: 623-322-2012
Cell: 602-697-5895
Fax: 623-322-3716
kellymlv@aol.com

Alternate: Erika Yoshimura
Accounting & Operations
21170 N. 83rd Avenue
Peoria, AZ 85382
Phone: 623-322-2013
Fax: 623-322-3716
eyoshimura@azchallenger.net

G): Priority area (from list): Education

H): Partnering city: The City of Peoria

Thank you for your consideration of our proposal and we look forward to the possibility of a successful collaboration.

Sincerely

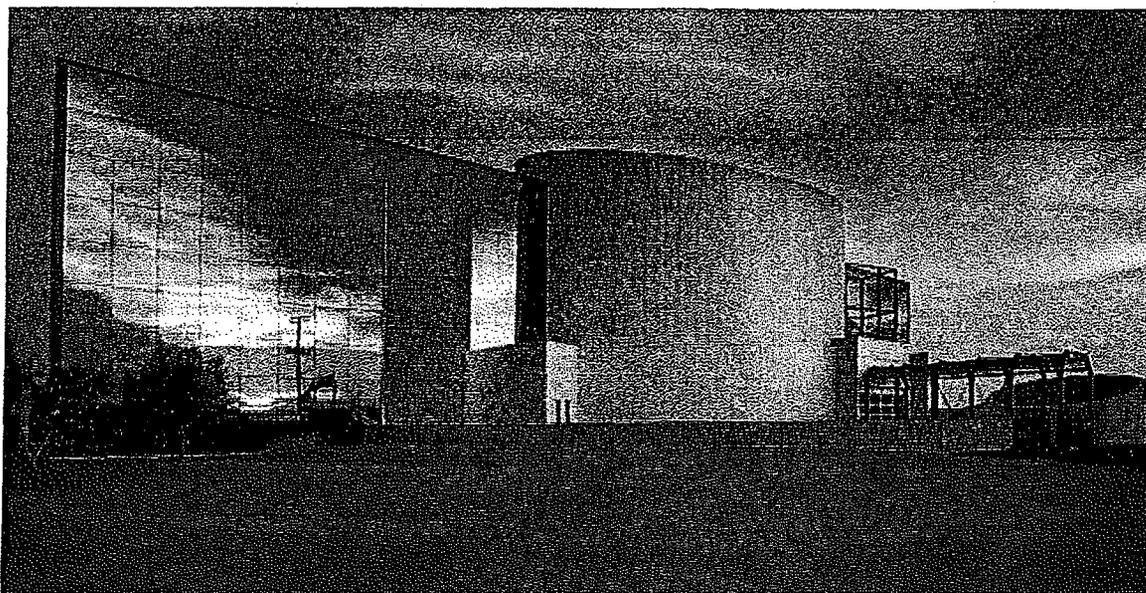


Mary Lynn Kelly
Executive Director



CHALLENGER
space center
A R I Z O N A
In Association with the
Smithsonian Institution

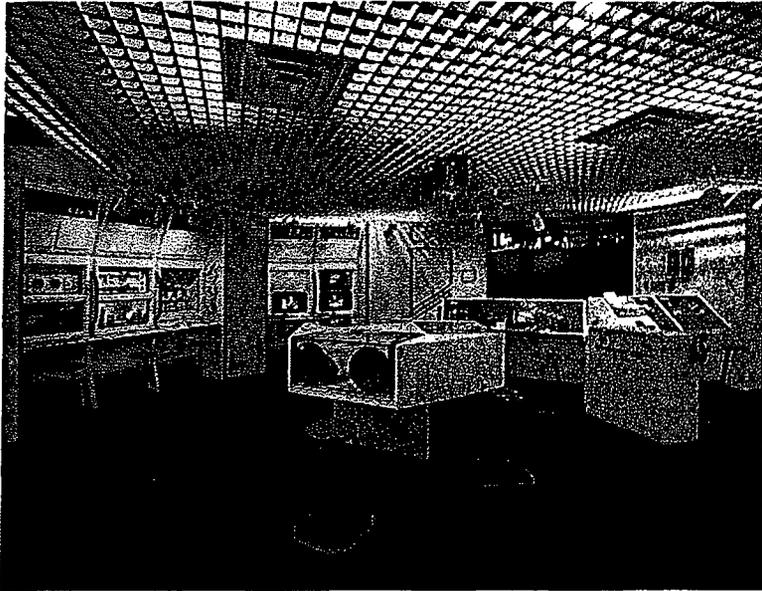
Mission: To inspire, excite and educate people of all ages to the wonders of space and space exploration.



The Challenger Space Center is the place that shows Arizona's school children that the sky is really NOT THE LIMIT.

The CSC is an exciting, space-based learning environment where students, families and others fly simulated space missions involving flight crews, mission control teams and scientists. The missions teach teamwork, communications and quick-thinking skills and inspire all to embrace a love for science, technology, engineering and math.

As an affiliate of the Smithsonian Institution, the CSC features numerous public educational programs including star and solar gazing, arts & crafts, summer camps, lectures, story times and many other opportunities that allow children, families, adults, teachers, schools and even corporate teams a chance to experience the awe-inspiring Center and all it has to offer.



Our simulated space missions launch an interest in learning within a unique environment. Featuring authentic replicas of a mission control room and the International Space Station, these award-winning programs include teacher training and six weeks of curriculum. This curriculum then becomes the part of a student's pre-flight instruction, which is aligned to Arizona State Standards. The importance of this

instruction is emphasized throughout the student's pre-flight education.

The missions available are: Return America to the Moon, Rendezvous with a Comet and Voyage to Mars. A specialized e-mission, "Operation Monteserrat," is also offered utilizing the latest state-of-the-art technology over the Internet.

Younger students, ages three on up, have a full slate of field trip options available to them. All include age-appropriate activities, songs and arts & crafts center. These specialized opportunities instill a love of STEM skills in students and provide students with a foundation for excelling in education for years to come.



The Challenger Space Center is proud to have earned numerous educational and consumer awards throughout the years including the Arizona Republic's Best Science Lesson, New Times, Best Place to See Stars, Nickelodeon's Best Museum for Teens and First Place Best of the West Award for K-12 Education.

Suggested Hands on Exhibits:



Paper Airplane Wind Tunnel

Test your design for flight stability in a wind tunnel and learn the importance a wind tunnel plays in the engineering of airplanes.

Power: 110VAC from floor
Size: 5' H x 7' 6" L x 2' 9" D

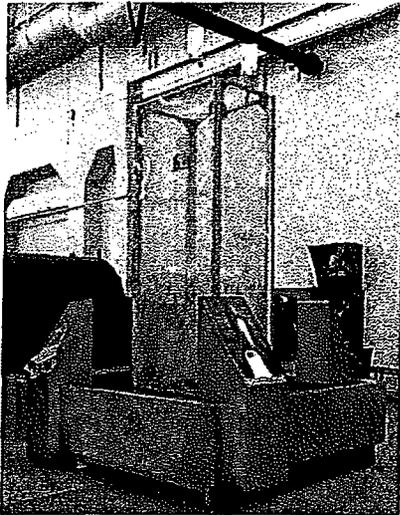


Electric Shake Table

Engineer structures and test them on a shake table!

Design, engineer and test a variety of structures on an electric powered shake table. Try structures built from wooden logs, or building blocks and designed with and without cross-bracing. Manipulatives are included. The surrounding structure, panel and graphics can be custom designed. Manual Shake Table is also available.

Power: 110VAC from the floor
Air: 15 CFM @ 80 PSI minimum
Size: 3'x 5'x 4 1/2' (table with graphics panel).

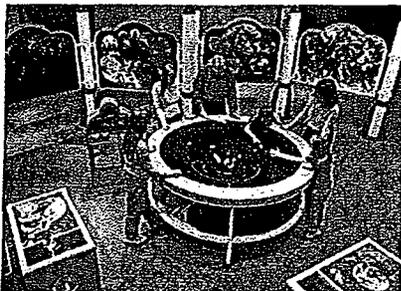


Water Rockets

How high can you launch the rocket?

"Water rockets" is a three-story exhibit that consists of flight cages for two water powered rockets and two control stations for launching them. From each launch station, visitors pump water into their rockets and then release them to fly up through their cages. By controlling the water pressure in the rocket, they can control how high the rocket flies. This exhibit demonstrates Newton's third law of motion. "For every action there is an equal and opposite reaction."

Size: 8' X 8'
Requires air and water source, and drainage.



Orbit Table

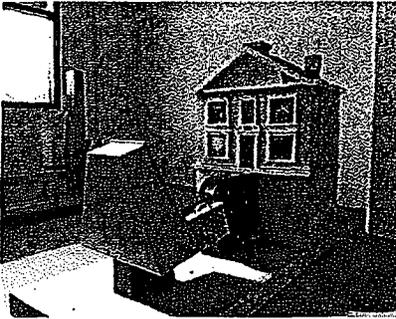
Launch Satellites Into Space

Choose different launchers with varying trajectories to observe different types of orbits, from standard circular types to highly elliptical.

Gravity Well

The Gravity Well is undoubtedly one of the most popular exhibits ever developed. Available since 1982, can be seen in over 36 different states and 14 foreign countries.

Our Gravity Well is museum quality, not to be confused with cheaper imitations. Construction is 3/16" fiberglass tooling resin with a gelcoat surface. The total diameter of the Well is 62.5" with an 18" vertical drop. The diameter of the central hole is 1.5". A 3.5" rim runs around the circumference of the Well.

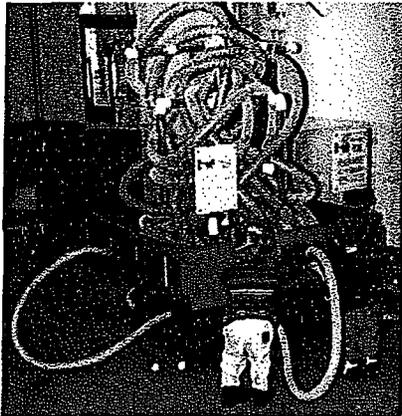


Energy Bike

Can you generate enough energy to power a light bulb? To power a computer or television?

The Energy Bike was created in cooperation with PSI Integration to demonstrate to visitors the amount of energy necessary to operate common electrically powered items found in a typical home. The bike's graphics can alternatively demonstrate the amount of energy needed for recycling. The bike provides a range of function that allows children to participate without being overwhelmed and challenges the most athletic person. Visitors leave with a greater understanding of energy usage and the need to conserve.

Power: 110VAC
Size: 5'x 6.5'x 3.5'

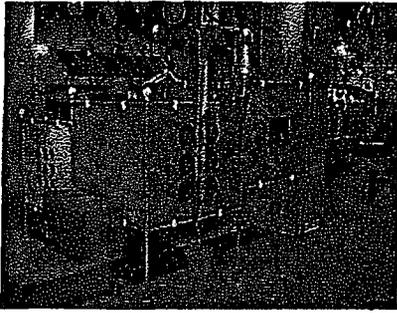


Air Sorter

Whiz! Whirl! Zoom! Pop! WOW!

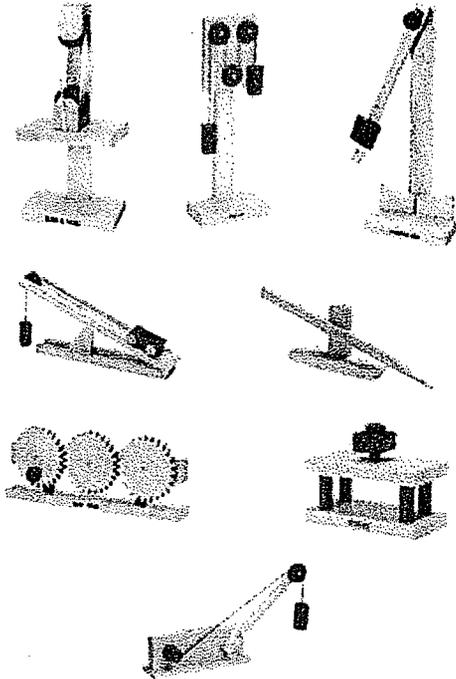
Children experience characteristics of air and discover that air can be directed. They first insert balls into different openings of the Air Power Sorter, then insert an air hose and watch the balls shoot through and finally pop out of the maze of hoses. The exhibit encourages problem solving, predicting, and cooperation to make the balls come out when you expect. Several design configurations and options are available to best meet your needs.

Power: 110VAC from the floor
Size: 64"x 64"x 76" high



Climbing Structure

Children explore the physics of movement and cause and effect. They begin by turning gears to set the hands of the time clock. They climb through four levels and fit various shaped blocks through corresponding holes or send balls along switchbacks. They transport objects in buckets to all four levels of the structure using a hand-operated pulley, or move materials onto another hand-operated conveyor belt.
Size: 8' x 8'



Includes one each of these simple machines. Ages 4-8. Lever – A pivoted, rigid body to which forces can be applied at two or more points to transmit and modify force and motion. Great for demonstration in classrooms. 18" L x 2" W x 5&...



Smithsonian Artifacts Requested

- Gemini model
- Mercury hatch
- Gemini VIII heat shield sample
- Components of a Gemini survival kit
- Skylab food
- Skylab clothing
- Shuttle food
- Apollo camera

Facilities report available upon request.



TOHONO O'ODHAM NATION
OFFICE OF THE CHAIRMAN AND VICE CHAIRMAN

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

NED NORRIS JR.
CHAIRMAN

ISIDRO LOPEZ
VICE CHAIRMAN

September 14, 2009

Ms. Mary Lynn Kelly
Executive Director, Challenger Space Center of Arizona
21170 N. 83rd Avenue
Peoria, AZ 85382

Dear Ms. Kelly:

It is with great pleasure to inform you that your proposal on behalf of the Challenger Space Center of Arizona was selected by the Tohono O'odham Nation as a potential recipient of the 12% grant funding in the amount of \$50,000. Your proposal presented the Nation with a worthy project that we would be honored to support. We received over 200 proposals this year, a drastic increase from previous years that reflects the current economic climate. We hope that this grant will help the Challenger Space Center of Arizona continue to assist others during this time.

As was indicated in the Request for Proposals issued by the Nation, the grant funding offer is conditional upon development of a Grant-in-Aid between the Nation, a governmental entity, and you, as well as final approval by the Legislative Council of your proposal, the Grant-in-Aid, and any other financial arrangements.

Please contact the city, town, or county you have chosen to work with immediately so we can begin drafting the Grant-in-Aid and take the steps necessary for final approval of this grant funding. If you have any questions, please contact Veronica Geronimo in my office at (520) 383-2028. Congratulations to you and the Challenger Space Center of Arizona; I look forward to working with you to finalize your grant award.

Sincerely,



Ned Norris Jr.
Chairman

P.O. BOX 837 · SELLS, ARIZONA 85634
PHONE: 520-383-2028 · FAX: 520-383-3379



**Grant-in-Aid
Fiscal Agent Agreement
between
the Tohono O'odham Nation
and
City of Peoria
On behalf of
Challenger Space Center of Arizona**

THIS GRANT-IN-AID Fiscal Agent Agreement, ("Grant") is entered into as of the _____ day of _____, 2009, by and between the Tohono O'odham Nation, a federally recognized Indian tribe (the "Nation"), City of Peoria, a charter incorporated Arizona municipality, acting as the flow through municipality, and Challenger Space Center of Arizona, a [Nonprofit 501(c) (3) organization, as the GRANTEE].

RECITALS

A. The Constitution of the Tohono O'odham Nation, Article VI, Section 1(f) provides that the Tohono O'odham Legislative Council is authorized to negotiate and conclude agreements on behalf of the Tohono O'odham Nation with Federal, State and local governments.

B. The Constitution of the Tohono O'odham Nation Article VII, Section 2(f) provides that the Chairman of the Nation is the official representative of the Tohono O'odham Nation; and as such, upon passage of a Resolution by the Legislative Council approving of any agreement with Federal, State and local governments, the Chairman is authorized to sign such agreement on behalf of the Nation.

C. The City of Peoria is authorized to enter into this Grant with the Nation pursuant to A.R.S. § 11-952, which provision empowers Arizona political subdivisions to enter into intergovernmental agreements with Federal entities and agencies, such Indian Tribes. The Bylaws of The Challenger Learning Center of Arizona, a corporation organized exclusively for charitable, religious, educational, and scientific purposes within the meaning of Section 501 (c)(3) of the Internal Revenue Code of 1986 (or the corresponding provisions of any future United States Internal Revenue law) and its regulations, Article VII, Section 1, provides that the Executive Director is authorized to negotiate and sign such agreements on behalf of Challenger.

Now, therefore, in consideration of the mutual promises contained herein, the parties hereby agree as follows:

PROVISIONS

1. **Purpose.** The purpose of this Grant is to set forth the rights and responsibilities of the parties with respect to the payment and distribution of the Contribution, as hereinafter defined.
2. **Acceptance of Duties; Monies Held in Trust.** The City of Peoria agrees to perform the duties of fiscal agent, paying agent and registrar for all monies the Nation deposits with the City of Peoria for the benefit of the Challenger Space Center of Arizona. The City of Peoria shall hold this funding separate from all other monies in the possession or control of the City of Peoria. The City of Peoria shall notify the Nation, at the address set forth in Paragraph 11, that the Contribution monies are provided to the Challenger Space Center of Arizona within 5 business days after the distribution is made.
3. **Contribution.** The Nation shall make a payment to the City of Peoria in the amount described in Exhibit "A" (the "Contribution") no later than October 25, 2009. The City of Peoria shall then make this funding available to the Challenger Space Center of Arizona as quickly as is feasible. The Grantee may not change the scope of the project or use the funds for a project other than that explained in Exhibit "A" without the written consent of the Nation.
4. **Funding.** The Contribution payment shall be delivered to the City of Peoria, without any further notice or invoice required, at the address set forth in Paragraph 11 below, upon the complete execution of this Grant.
5. **Disbursement of Contribution.** In accordance with the City of Peoria's policies and procedures and upon satisfactory documentation, as quickly as is feasible the City of Peoria will distribute the funds to the Challenger Space Center of Arizona.
6. **Money Unclaimed.** In the event that the City of Peoria is unable to distribute the funding to the Challenger Space Center of Arizona on or before January 1, 2010, the City of Peoria shall immediately notify the Nation and the Nation will arrange for the funding to be returned. Any interest earnings on the Contribution funding between the time the Nation deposits the Contribution with the City of Peoria and the time the City of Peoria disburses the Contribution to the Challenger Space Center of Arizona shall be paid to the Challenger Space Center of Arizona.
7. **Consideration and Reliance.** It is acknowledged that the City of Peoria's promise to accept and disburse the funds received by the City of Peoria pursuant to this Grant is full and adequate consideration and shall render this promise to provide funding irrevocable.
8. **Fees.** The City of Peoria shall not charge the Challenger Space Center of Arizona and shall waive any applicable administrative or other fees related to this Grant and shall not deduct any funds from the amount designated for contribution to the Challenger Space Center of Arizona.
9. **Dispute Resolution.** The parties mutually agree that any disputes arising between either 1) the Nation or the City of Peoria or 2) the Challenger Space Center of Arizona and the City of Peoria pursuant to this Grant shall be resolved through informal dispute

resolution. Nothing herein is intended to be or shall be construed as a waiver of sovereign immunity by either party. In the event of a dispute between the Challenger Space Center of Arizona and the City of Peoria, both the Challenger Space Center of Arizona and the City of Peoria must notify the Nation within five business days. Any disputes between the City of Peoria and the Challenger Space Center of Arizona that cannot be resolved through informal dispute resolution shall be resolved in the courts of Maricopa County, Arizona, subject to the laws of the State of Arizona. Any disputes involving the Nation that cannot be resolved through informal dispute resolution shall be resolved in the Courts of the Nation, subject to the laws of the Nation.

10. **Reports:** Unless otherwise extended by the Nation upon request of the Challenger Space Center of Arizona, no later than July 31 2010, the Challenger Space Center of Arizona shall provide a report to the Nation explaining how and when the funds provided under this Grant were used. This report may be in the form of an affidavit signed by an officer of the Challenger Space Center of Arizona and may be accompanied by supporting documentation. The report shall address: (i) changes in the scope of the project or purchase funded under this grant, (ii) the total expenses under the project or purchase funded by the Grant, (iii) a brief description of who has benefited from this Grant, and (iv) the Grantee's next steps with regard to the project or purchase made under this Grant. The Grantee will submit a final report to the Nation within 30 days of the end of this Agreement.

11. **Notices.** Any notice, consent or other communication required or permitted under this Grant shall be in writing and shall be deemed received at the time it is personally delivered, on the day it is sent by facsimile transmission, on the second day after its deposit with any commercial air courier or express service or if mailed, three (3) days after the notice is deposited in the United States mail addressed as follows:

If to the Nation: Ned Norris, Jr.
 Chairman
 P.O. Box 837
 Sells, Arizona 85634
 Fax: 520.383.3379

and

Veronica Geronimo
Special Counsel
P.O. Box 837
Sells, Arizona 85634
Fax: 520.383.3379

If to the City of Peoria: Tamara Shreeve
8401 W. Monroe
Peoria, AZ 85345
Phone: 623-773-5143
Fax: 623-773-7727

With a copy to: City Attorney
City of Peoria
8401 W. Monroe, Room 280
Peoria, AZ 85345
Fax: 623-773-7043

If to the GRANTEE: Mary Lynn Kelly
Executive Director
21170 N. 83rd Avenue
Peoria, AZ 85382
Phone: 623-322-2012
Cell: 602-697-5895
Fax: 623-322-3716
Email: kellymlv@aol.com

Any time period stated in a notice shall be computed from the time the notice is deemed received. Either party may change its mailing address or the person to receive notice by notifying the other party as provided in this paragraph.

12. **Term of Grant.** The term of this Grant shall begin on the date of execution and shall terminate on the one-year anniversary of this Grant.

13. **Entire Grant, Waivers and Amendments.** This Grant is executed in three (3) duplicate originals, each of which is deemed to be an original. This Grant constitutes the entire understanding and agreement of the parties. This Grant integrates all of the terms and conditions mentioned herein or incident hereto, and supersedes all negotiations or previous agreements between the parties with respect to all or any part of the subject matter hereof. All waivers of the provisions of this Grant and all amendments hereto must be in writing and signed by the appropriate authorities of each of the parties to this Grant.

14. **No Waiver.** Except as otherwise expressly provided in this Grant, any failure or delay by any party in asserting any of its rights or remedies as to any default, shall not operate as a waiver of any default, or of any such rights or remedies, or deprive any such party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert or enforce any such rights or remedies.

15. **Severability.** If any provision of this Grant shall be found invalid or unenforceable by a court of competent jurisdiction, the remaining provisions of this Grant shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

16. **Sovereign Immunity.** Nothing in this Grant shall be deemed a waiver of any party's applicable sovereign immunity in any forum or jurisdiction.

17. **Cancellation Due to Conflicts of Interest.** This Grant is subject to cancellation by the City of Peoria due to conflicts of interest pursuant to A.R.S. § 38-511.

TOHONO O'ODHAM NATION

CITY OF PEORIA:

Ned Norris, Jr., Chairman
Tohono O'odham Nation

Bob Barrett, Mayor
City of Peoria

Dated _____

Dated _____

GRANTEE

Mary Lynn Kelly
Challenger Space Center Arizona

Dated _____

Attest:

Approved as to form and found to be within the powers and authority of the Tohono O'odham Nation

Approved as to form and found to be within the powers and authority of the City of Peoria under the laws of the State of Arizona.

Jonathan Jantzen, Attorney General
Tohono O'odham Nation

Stephen M. Kemp, City Attorney
City of Peoria

Additional Signatures Required

ATTEST:

Secretary

Mary Jo Kief, City Clerk
City of Peoria

Dated _____

Dated _____

EXHIBIT "A"

Program

Contribution

Challenger Space Center Grant Proposal

TOTAL

\$50,000.00