

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving and Authorizing the Settlement of Attorney's Fees Claim in *Arizona v. Tohono O'odham Nation*)

RESOLUTION NO. 17-147

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to "promote,**
2 **protect and provide for public health, peace, morals, education, and general**
3 **welfare of the Tohono O'odham Nation and its members" and to "consult,**
4 **negotiate and conclude agreements and contracts on behalf of the Tohono**
5 **O'odham Nation with Federal, State and local governments" (Constitution of the**
6 **Tohono O'odham Nation, Article VI, Sections 1(c)(2) and 1(f)); and**

7 **WHEREAS, in 2011, the State of Arizona brought a lawsuit against the Tohono O'odham**
8 **Nation ("Nation") in the U.S. District Court for the District of Arizona, which was**
9 **captioned *Arizona v. Tohono O'odham Nation*, No. 2:11-cv-296-DGC; and**

10 **WHEREAS, the Nation prevailed in *Arizona v. Tohono O'odham Nation* in both the District**
11 **Court and on appeal; and**

12 **WHEREAS, the Nation has filed a motion seeking to recover attorney's fees from the State**
13 **for the Nation's successful defense of the litigation pursuant to A.R.S. § 12-348**
14 **and § 12-341.01; and**

15 **WHEREAS, the Nation and the State of Arizona have negotiated a compromise resolution of**
16 **the attorney's fees claim; and**

17 **WHEREAS, the Economic Development Delegation has reviewed the Settlement Agreement**
18 **and recommends its approval.**

19 **NOW, THEREFORE, BE IT RESOLVED the Tohono O'odham Legislative Council approves the**
20 **Settlement Agreement and authorizes the Nation's Chairman to take all actions**
21 **necessary to carry out this resolution, including execution of the agreement in**
22 **substantially the form attached hereto.**

23 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council grants a limited waiver**
24 **of the Nation's sovereign immunity in accordance with the terms of the**
25 **Settlement Agreement.**

26 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06TH**
27 **day of APRIL, 2017 at a meeting at which a quorum was present with a vote of 3,021.4 FOR; -0-**
28 **AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by**
29 **Article VI, Section 1(c)(2) and 1(f) of the Constitution of the Tohono O'odham Nation, adopted by**
30 **the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
31 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of**
32 **June 18, 1934 (48 Stat.984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Guacinda J. Allen for
Timothy Joaquin, Legislative Chairman

10th day of April, 2017

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary

10 day of April, 2017

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 10 day of April, 2017 at 1:17 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

Guacinda J. Allen for:
Timothy Joaquin, Legislative Chairman

APPROVED

on the 10 day of April, 2017

DISAPPROVED

at 4:12 o'clock, P.m.

Edward D. Manuel
EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 11 day of

April, 2017, at 3:35 o'clock, P.m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

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ACTION: APPROVING AND AUTHORIZING THE SETTLEMENT OF ATTORNEY'S FEES CLAIM IN ARIZONA V. TOHONO O'ODHAM NATION

Moved: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILWOMAN ETHEL GARCIA

DATE: APRIL 06, 2017

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (Roberta E. Harvey)	183.60	X			
	2. VERNON J. SMITH (<i>Absent</i>) (Gloria Zazueta) (<i>Present</i>)	183.60	X			X
CHUKUT KUK 332.1	1. ETHEL GARCIA (Marla Kay Henry)	166.05	X			
	2. BILLMAN LOPEZ (<i>Absent</i>) (Patricia Vicenti) (<i>Present</i>)	166.05	X			
GUACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50	X			
	2. LORETTA LEWIS ()	132.50	X			
GU VO 250.6	1. GRACE MANUEL (<i>Absent</i>) (Dallas Lewis) (<i>Present</i>)	125.30	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	125.30	X			
HICKIWAN 205.8	1. LOUIS R. LOPEZ (Shirley Molina)	102.90	X			
	2. SANDRA ORTEGA ()	102.90	X			
PISINEMO 219.9	1. CHESTER ANTONE (Caroline D. Garcia)	109.95	X			
	2. MONICA K. MORGAN ()	109.95	X			
SAN LUCY 226.5	1. DIANA MANUEL (Lorraine Eiler)	113.25	X			
	2. JANA MONTANA (Gloria Ramirez)	113.25	X			
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III (Felicia Nunez)	114.3	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.3	X			
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ()	90.3	X			
	2. QUINTIN C. LOPEZ (<i>Absent</i>) (John Fendenheim) (<i>Present</i>)	90.3	X			X
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75	X			
	2. BARBARA HAVIER (Idaleen Reyes)	256.75	X			X
SIF OIDAK 231.6	1. LUCINDA ALLEN ()	115.80	X			X
	2. MARY LOPEZ ()	115.80	X			
TOTAL		3,021.4	3,021.4	-0-	-0-	[04]