

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Submittal of a Damages Claim to the United States Air Force by the
Tohono O'odham Nation)**

RESOLUTION NO. 06-319

1 **WHEREAS, at 9:30 p.m. on May 19, 2004 an F-16 jet from Luke Air Force Base crashed in Pisinemo**
2 **District of the Tohono O'odham Nation; and**

3 **WHEREAS, in responding to the crash, the Air Force brought in large trucks to haul away the**
4 **debris from the crash; and**

5 **WHEREAS, the Air Force trucks traveled over existing dirt roads in Pisinemo District and in Gu Vo**
6 **District to reach the crash site, causing extensive damage to the roads by creating**
7 **deep ruts and turning portions of the roads into deep powdery dust; and**

8 **WHEREAS, Pisinemo District and Gu Vo District have worked with the Tohono O'odham Nation**
9 **to prepare a damages claim under the Federal Tort Claims Act to seek payment from**
10 **the United States for the damage to the roads within Pisinemo District and Gu Vo**
11 **District; and**

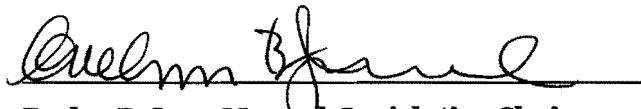
12 **WHEREAS, the portion of the claim relating to road damage within Pisinemo District is**
13 **\$205,599.00, which is the amount that it would cost to repair the 7.3 miles of road in**
14 **Pisinemo District, and the portion of the claim relating to road damage within Gu Vo**
15 **District is \$88,407.00, which is the amount it would cost to repair the 3.2 miles of road**
16 **in Gu Vo District; and**

17 **WHEREAS, the Natural Resources Committee has reviewed this matter and recommends approval**
18 **by the Legislative Council.**

19 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
20 **damages claim in the amount of \$294,006.00, and authorizes the Chairwoman of the**
21 **Nation to sign the claim form and to submit the claim to the United States Air Force**
22 **under the provisions of the Federal Tort Claims Act.**

23 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH, day**
24 **of MAY, 2006 at a meeting at which a quorum was present with a vote of 2,273.4 FOR; -0- AGAINST;**
25 **-0- NOT VOTING; and 167.4 [08] ABSENT, pursuant to the powers vested in the Council by Section**
26 **1(i) & 1(j) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**
27 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
28 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
29 **Stat. 984).**

30 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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32 **Evelyn B. Juan Manuel, Legislative Chairwoman**


33 15 day of May, 2006

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ATTEST:

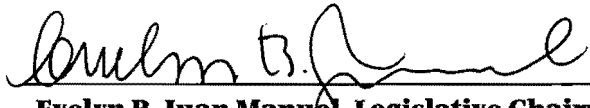


Lucille Lopez, Acting Legislative Secretary

11th day of May, 2006.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 11th day of May, 2006 at 2:44 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL



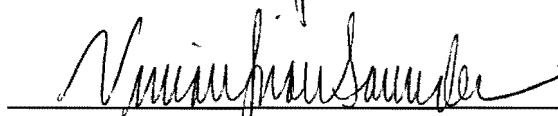
Evelyn B. Juan Manuel, Legislative Chairwoman

APPROVED

on the 11 day of May, 2006

DISAPPROVED

at 3:36 o'clock, P.M.



VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 11th day of
May, 2006, at 4:34 o'clock, P.M.



Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING SUBMITTAL OF A DAMAGES CLAIM TO THE UNITED STATES AIR FORCE BY THE TOHONO O'ODHAM NATION

MOVED: COUNCILWOMAN GLORIA RAMIREZ

SECOND: COUNCILMAN TIMOTHY JOAQUIN

DATE: MAY 08, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL (Vernon J. Smith)	155.40	X			X
	2. FRANCES G. ANTONE (<i>Absent</i>) (Lucilda J. Valenzuela (Norris)) (<i>Present</i>)	155.40	X			
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
GU VO 193.1	1. RAYMOND VICTOR ()	96.55	X			
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			X
HICKIWAN 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70				X
	2. SANDRA ORTEGA ()	83.70				X
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			X
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. JOHN W. LAWSON, SR. ()	84.50	X			X
	2. GLORIA RAMIREZ ()	84.50	X			
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90	X			
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X			X
	2. PHYLLIS JUAN ()	73.45	X			
SELLS 421.0	1. MARLENE SARAFICIO-JUAN ()	210.50	X			X
	2. EVELYN B. JUAN MANUEL (<i>Absent</i>) (Kimberly Listo) (<i>Present</i>)	210.50	X			
SIF OIDAK 186.7	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Martinez)	93.35	X			
TOTAL		2,440.80	2,273.4	-0-	-0-	167.4 [08]

**PASSED VOTES