

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing Suit Against the United States for Tribal Trust Asset Mismanagement)**

RESOLUTION NO. 06-791

1 **WHEREAS, Article VI, Section 2(a) of the Constitution of the Tohono O'odham Nation vests the**
2 **Legislative Council with the power to "employ legal counsel for the protection and**
3 **advancement of the rights of the Tohono O'odham Nation"; and**
4 **WHEREAS, sovereign Indian tribes, including the Tohono O'odham Nation, share a unique**
5 **trust relationship with the United States of America, which is embodied in the**
6 **Constitution of the United States, numerous court opinions, statutes, executive**
7 **orders, and federal agency policies; and**
8 **WHEREAS, according to a "reconciliation report" issued by Arthur Anderson LLP ("Anderson**
9 **Report") and as part of its fiduciary responsibilities, the United States managed the**
10 **investment and non-investment funds of the Nation with a total account activity in**
11 **the amount of \$2,155,009,664 for fiscal years 1973 through 1992; and**
12 **WHEREAS, the publication of the Anderson Report may be used as a basis for determining**
13 **whether the Nation and other Indian tribes have filed tribal trust asset**
14 **mismanagement and related claims against the United States within the applicable**
15 **statute of limitations; and**
16 **WHEREAS, if the Anderson Report is used for this purpose, the Nation may be prevented from**
17 **bringing such claims after December 31, 2006; and**
18 **WHEREAS, it is therefore in the Nation's best interest to authorize the Kilpatrick Stockton LLP**
19 **firm to file claims on its behalf before December 31, 2006.**
20 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council**
21 **hereby (1) selects the Kilpatrick Stockton LLP firm to represent the Tohono**
22 **O'odham Nation in litigation against the United States of America for tribal trust**
23 **asset mismanagement, subject to the terms of an attorney contract that is approved**
24 **by the Legislative Council, (2) authorizes the Kilpatrick Stockton LLP firm, under**
25 **the direction of the Nation's Office of the Attorney General, to file tribal trust asset**
26 **mismanagement and related claims on the Nation's behalf as appropriate in the**
27 **United States District Court for the District of Columbia and/or the United States**
28 **Court of Federal Claims prior to December 31, 2006, and (3) accordingly directs the**
29 **Office of the Attorney General to negotiate and prepare an attorney contract with**
30 **the Kilpatrick Stockton LLP firm for approval by Legislative Council resolution**
31 **during the December general session.**

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1 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 04TH Day
2 of DECEMBER, 2006 at a meeting at which a quorum was present with a vote of 2,273.4 FOR; -0-
3 AGAINST; -0- NOT VOTING; and 167.4[05] ABSENT, pursuant to the powers vested in the Council by
4 Section 1 (f) and Section 2 (a) of Article VI of the Constitution of the Tohono O'Odham Nation,
5 adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy
6 Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act
7 of June 18, 1934 (48 Stat. 984).
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10 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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14 Verlon M. Jose, Legislative Chairman

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16 4 day of December, 2006
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19 **ATTEST:**

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23 Lucille Lopez, Acting Legislative Secretary

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25 04 day of December, 2006.
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27 Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono
28 O'Odham Nation on the 4 day of December, 2006 at 4:54 o'clock, .M.,
29 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
30 upon her approval or upon her failure to either approve or disapprove it within 48 hours of
31 submittal.
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33 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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37 Verlon M. Jose, Legislative Chairman

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40 on the 4 day of December, 2006

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42 APPROVED
43 DISAPPROVED
44 at 5:00 o'clock, .M.

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47 VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
48 **TOHONO O'ODHAM NATION**
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Returned to the Legislative Secretary on the 04 day of

December, 2006, at 5:02 o'clock, P.M.

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

ACTION: AUTHORIZING SUIT AGAINST THE UNITED STATES FOR TRIBAL TRUST ASSET MISMANAGEMENT

MOVED: COUNCILWOMAN GLORIA RAMIREZ

SECOND: COUNCILMAN GERALD FAYUANT

DATE: DECEMBER 04, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL (Vernon J. Smith)	155.40	X			
	2. FRANCES G. ANTONE (<i>Absent</i>) (Lucilda J. Valenzuela (Norris))(Present)**	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			
HICKIWAN 167.4	1. Vacant (Vacant)	83.70				
	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. Vacant (Vacant)	84.50	X			
	2. GLORIA RAMIREZ ()	84.50	X			
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			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			
	2. EVELYN B. JUAN MANUEL (<i>Absent</i>) (Kimberly Listo)(Present)	210.50	X			
SIF OIDAK 186.7	1. WAVALENE ROMERO (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Wilson)	93.35	X			X
TOTAL		2,440.80	2,273.4	-0-	-0-	167.4[05]

**PASSED VOTES