

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving the Department of Public Safety FY2010 Distribution Budget for Natural**  
**Resource Damages Assessment Settlement Funds)**

**RESOLUTION NO. 10-101**

- 1 **WHEREAS, in Resolution No. 07-572, the Tohono O'odham Legislative Council, with the support**  
2 **of the Sif Oidak District through Sif Oidak District Council Resolution No. 01-05-03,**  
3 **approved the settlement between the Natural Resources Damage Assessment Trustee**  
4 **Council (composed of the U.S. Fish and Wildlife Service, the Bureau of Indian Affairs,**  
5 **and the Tohono O'odham Nation); and the Cyprus Tohono Corporation for injuries to**  
6 **natural resources in the amount of \$825,000; and**
- 7 **WHEREAS, the settlement included \$78,710.00 for damage to the North Komelik water system and**  
8 **household appliances, which Resolution No. 07-572 directed to be spent for the benefit**  
9 **of the North Komelik community, and \$746,290.00 for injuries to wildlife, which**  
10 **Resolution No. 07-752 directed to be spent primarily within the Sif Oidak District; and**
- 11 **WHEREAS, Resolution No. 07-572 provided that the Sif Oidak District would distribute the**  
12 **\$78,710.00, but since the passage of that Resolution, the Department of Interior has**  
13 **determined that a release needs to be obtained from each resident of North Komelik**  
14 **receiving payment and the Nation is better positioned to secure those releases; and**
- 15 **WHEREAS, a Consent Decree approving the settlement was issued by the United States District**  
16 **Court in the case captioned United States of America and Tohono O'odham Nation v.**  
17 **Cyprus Tohono Corporation, Case No. 09-296, on July 17, 2009; and**
- 18 **WHEREAS, the Tohono O'odham Nation received a fund transfer from U.S. Fish and Wildlife**  
19 **Service, via the Department of the Interior in the amount of \$78,710.00; and**
- 20 **WHEREAS, the \$78,710.00 will be divided evenly among the residents of the North Komelik**  
21 **Community including the owners of certain public buildings in North Komelik who**  
22 **used the North Komelik water system as of April 30, 2003, the list of those residents and**  
23 **owners of public buildings, having been developed by the Community, consists of 33**  
24 **recipients and is attached to this resolution; and**
- 25 **WHEREAS, each member of the North Komelik Community receiving the one-time payment of**  
26 **\$2,385.15 will be required to sign a release, which releases both the Department of the**  
27 **Interior and the Tohono O'odham Nation from liability; and**
- 28 **WHEREAS, the Environmental Protection Office of the Department of Public Safety, with**  
29 **assistance from the Office of Attorney General and the Nation's Treasurer, will**  
30 **perform the distribution of the settlement funds in the amount of \$78,710.00 to the**

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1           **residents of North Komelik Community, and has prepared a budget for that purpose**  
2           **which has been reviewed by the Sif Oidak District Council, the Domestic Affairs, the**  
3           **Natural Resources and the Budget and Finance Committees, which recommend**  
4           **approval by the Legislative Council; and**

5   **WHEREAS, a working group of the Trustee Council is continuing to make plans for spending the**  
6           **remaining \$746,290.00 plus interest on environmental and other restoration projects**  
7           **within Sif Oidak District, and those funds will remain in the Department of the Interior**  
8           **Natural Resources Damage Assessment fund until a plan for their expenditure has**  
9           **been approved by the Trustee Council and the Department of the Interior.**

10 **NOW, THEREFORE, BE IT RESOLVED THAT:**

- 11           **1. The Tohono O'odham Legislative Council hereby approves the attached FY2010**  
12           **budget for Distribution of Natural Resource Damages Assessment settlement**  
13           **funds in the amount of \$78,710.00.**
- 14           **2. The provision in Resolution 07-572 that directs Sif Oidak District to distribute the**  
15           **funds is hereby rescinded.**
- 16           **3. Each member of the North Komelik Community receiving a one-time payment of**  
17           **\$2,385.15 shall sign a release, which releases both the Department of the Interior**  
18           **and the Tohono O'odham Nation from liability.**
- 19           **4. The Environmental Protection Office of the Department of Public Safety, with**  
20           **assistance from the Office of Attorney General and the Nation's Treasurer, will**  
21           **perform the distribution of the settlement funds in the amount of \$78,710.00 to the**  
22           **residents of North Komelik Community.**

23 **BE IT FINALLY RESOLVED that any amendment affecting the funding or funding levels of the**  
24           **attached budget shall be submitted for further prior approval by the Tohono O'odham**  
25           **Legislative Council.**

26 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 31<sup>ST</sup> Day**  
27 **of MARCH, 2010 at a meeting at which a quorum was present with a vote of 2,169.15 FOR; 102.35**  
28 **AGAINST; -02- NOT VOTING; and 324.0[03] ABSENT, pursuant to the powers vested in the Council**  
29 **by Article VI, Section 1 (d) of the Constitution of the Tohono O'odham Nation, adopted by the**  
30 **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 June**  
32 **18, 1934 (48 Stat. 984).**

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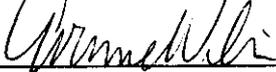
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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

  
Verlon M. Jose, Legislative Chairman

6<sup>th</sup> day of April, 2010

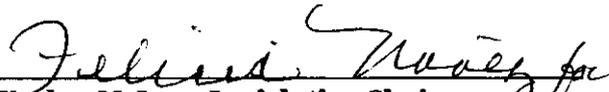
ATTEST:

  
Evonne Wilson, Legislative Secretary

5 day of April, 2010.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 6<sup>th</sup> day of April, 2010 at 8:42 o'clock, a.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**

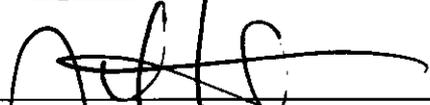
  
Verlon M. Jose, Legislative Chairman

APPROVED

on the 7 day of April, 2010

DISAPPROVED

at 8:23 o'clock, A.M.

  
NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION  
VICE CHAIRMAN

Returned to the Legislative Secretary on the 7 day of

April, 2010, at 8:38 o'clock, a.M.

  
Evonne Wilson, Legislative Secretary

**ACTION: APPROVING THE DEPARTMENT OF PUBLIC SAFETY FY2010 DISTRIBUTION BUDGET FOR NATURAL RESOURCE DAMAGES ASSESSMENT SETTLEMENT FUNDS**

**MOVED: COUNCILWOMAN WAVALENE ROMERO**

**SECOND: COUNCILWOMAN MARY LOPEZ**

**DATE: MARCH 31, 2010**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF OIDAK</b> <b>198.7</b>	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			
	2. MARY LOPEZ ( )	99.35	X			
<b>SELLS</b> <b>449.6</b>	1. KIMBERLY LISTO ( )	224.80	X			
	2. EVELYN B. JUAN MANUEL ( )	224.80	X			
<b>SCHUK TOAK</b> <b>159.0</b>	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
<b>SAN XAVIER</b> <b>204.7</b>	1. FELICIA NUÑEZ ( )	102.35	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35		X		
<b>SAN LUCY</b> <b>187.1</b>	1. LORRAINE EILER ( )	93.55	X			
	2. GLORIA RAMIREZ ( )	93.55	X			
<b>PISINEMO</b> <b>184.5</b>	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X		X	
<b>HICKIWAN</b> <b>174.5</b>	1. MICHELLE ORTEGA ( )	87.25	X			
	2. SANDRA ORTEGA ( )	87.25	X			
<b>GU VO</b> <b>206.3</b>	1. GRACE MANUEL ( )	103.15	X			
	2. PAMELA ANGHILL ( <i>Absent</i> ) (Angela Ortiz) ( <i>Present</i> )	103.15	X			
<b>GU ACHI</b> <b>230.1</b>	1. TIMOTHY L. JOAQUIN ( )	115.05	X		X	
	2. CYNTHIA E. MANUEL ( )	115.05	X			
<b>CHUKUT KUK</b> <b>277.0</b>	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ( )	138.50	X			X
<b>BABOQUIVARI</b> <b>324.0</b>	1. FRANCES MIGUEL (Roberta Harvey)	162.0				X
	2. FRANCES G. ANTONE (Vernon Smith)	162.0				X
<b>TOTAL</b>		<b>2,595.50</b>	<b>2,169.15</b>	<b>102.35</b>	<b>-02-</b>	<b>324.0</b> <b>[03]</b>