

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Property Damage Release for Secura Insurance for Damages from
a Fuel Spill on Indian Route 21 at Mile Post 12.3 in Pisinemo District)**

RESOLUTION NO. 20-299

1 **WHEREAS,** the Tohono O'odham Legislative Council is vested with the power "to consult,
2 negotiate and conclude agreements and contracts on behalf of the Tohono
3 O'odham Nation with Federal, State and local governments and other Indian
4 tribes or their departments, agencies, or political subdivisions, or with private
5 persons or organizations on all matters within the authority of the Tohono
6 O'odham Council." (Constitution of the Tohono O'odham Nation, Article VI,
7 Section 1(f)); and

8 **WHEREAS,** on June 2, 2020 a commercial water truck was involved in a single vehicle rollover
9 on Indian Route 21, Mile Post 12.3 in the Pisinemo District resulting in a diesel
10 fuel spill from the vehicle which contaminated the ground and the water puddled
11 from the tank; and

12 **WHEREAS,** the Environmental Protection Office obtained an estimate to clean up the fuel
13 spill in the amount of \$10,584.00, and an estimate from Tohono O'odham Utility
14 Authority to monitor the fiber optic route in the area during the clean-up of
15 \$1,585.22 (14 hours x \$113.23/hr.), which amounts to a total of \$12,169.22; and

16 **WHEREAS,** the insurer of the water truck, Secura Insurance, A Mutual Company, has
17 submitted for the Chairman's signature a "Property Damage Release" which is
18 attached, to pay for the clean-up to settle the claim by offering \$12,169.22
19 ("Settlement Amount") in exchange for the Nation waiving any property claims
20 against their insured; and

21 **WHEREAS,** the Environmental Protection Office is satisfied that the settlement amount is
22 sufficient to satisfactorily clean up the fuel spill; and

23 **WHEREAS,** the Domestic Affairs Committee has reviewed and approve the Property Damage
24 Release.

25 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council:**

- 26 1. Approves the Settlement Amount and the Property Damage Release; and
- 27 2. Authorizes the Tohono O'odham Nation Chairperson to sign the Property
28 Damage Release; and
- 29 3. waives any property claims against Secura Insurance.

30 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 15TH**
31 **day of SEPTEMBER, 2020 at a meeting at which a quorum was present with a vote of 2,509.15 FOR;**
32 **666.55 AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council**
33 **by Article VI, Section 1(f) of the Constitution of the Tohono O'odham Nation, adopted by the**
34 **Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
35 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
36 **18, 1934 (48 Stat.984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin
Timothy Joaquin, Legislative Chairman

18 day of September, 2020

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary

17 day of September, 2020

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 18 day of September, 2020 at 2:07 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

Timothy Joaquin
Timothy Joaquin, Legislative Chairman

APPROVED

on the 21 day of September, 2020

DISAPPROVED

at 2:58 o'clock, P.m.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 21 day of

September, 2020, at 4:00 o'clock, P.m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: APPROVING A PROPERTY DAMAGE RELEASE FOR SECURA INSURANCE FOR DAMAGES FROM A FUEL SPILL ON INDIAN ROUTE 21 AT MILE POST 12.3 IN PISINEMO DISTRICT

MOVED: COUNCILWOMAN MARLAKAY HENRY

SECOND: COUNCILWOMAN MONICA K. MORGAN

DATE: SEPTEMBER 15, 2020

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 384.8	1. LEANDER MASE (Francine Schooling)	192.40	X			
	2. ALBERTA J. RAY (Frances G. Antone)	192.40	X			
CHUKUT KUK 347.5	1. VIVIAN JUAN-SAUNDERS (Juanita Homer)	173.75	X			
	2. MARLAKAY HENRY (Billman Lopez)	173.75	X			
GUACHI 279.3	1. VICTORIA HOBBS ()	139.65	X			
	2. TIMOTHY L. JOAQUIN (Louis L. Johnson)	139.65	X			
GU VO 264.5	1. DALLAS LEWIS (Nacho Flores)	132.25	X			
	2. GRACE MANUEL ()	132.25	X			
HICKIWAN 213.8	1. SANDRA D. ORTEGA ()	106.90	X			X
	2. LOUIS R. LOPEZ (Delma M. Garcia)	106.90	X			
PISINEMO 230.7	1. MONICA K. MORGAN ()	115.35	X			
	2. MARIETTA MARTIN ()	115.35	X			
SAN LUCY 235.6	1. GLORIA RAMIREZ ()	117.80	X			
	2. JANA MONTANA (Lorraine M. Eiler)	117.80	X			
SAN XAVIER 238.9	1. JANICE FELIX (Adam Andrews)	119.45		X		
	2. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	119.45	X			
SCHUK TOAK 189.0	1. QUINTIN C. LOPEZ (Agnes V. Joaquin)	94.50	X			
	2. TERESA F. DONAHUE (Alberta Espinoza)	94.50	X			
SELLS 547.1	1. EVELYN JUAN MANUEL ()	273.55		X		
	2. ARTHUR WILSON ()	273.55		X		
SIF OIDAK 244.5	1. LUCINDA ALLEN (Yolonda Garcia)	122.25	X			
	2. MARY LOPEZ (Ann M. Garcia)	122.25	X			
TOTAL		3,175.7	2,509.15	666.55	-0-	[01]