

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Directing the Assertion of Sovereign Immunity Concerning
Certain Claims)

RES. NO. 91-055

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2 WHEREAS, private attorneys have presented certain tort claims for
3 damages against the Tohono O'odham Nation on behalf of
4 their clients; and

5 WHEREAS, these claims, which are not a matter of public record, are
6 identified in the memorandum of the Attorney General and
7 attachments thereto which accompany this Resolution; and

8 WHEREAS, the Nation's insurance carrier has conducted an investiga-
9 tion of the claims and has requested instructions from the
10 Nation regarding the assertion of sovereign immunity; and

11 WHEREAS, the Tohono O'odham Legislative Council believes that it
12 is in the Nation's best interests to assert sovereign
13 immunity with respect to the subject claims.

14 NOW, THEREFORE, BE IT RESOLVED that:


15 1. The Tohono O'odham Legislative Council hereby directs
16 the Attorney General to instruct the insurance carrier
17 that the Tohono O'odham Nation asserts sovereign
18 immunity concerning the foregoing claims or any future
19 claims which arise out of the same subject matter.

20 2. The memorandum of the Attorney General and attachments
21 thereto which accompany this Resolution are privileged
22 and confidential, and shall be maintained as confi-
23 dential documents by sealing them in an envelope and
24 preventing disclosure thereof except upon prior
25 written authorization of the Legislative Council or
26 pursuant to a lawful order of a court of competent
27 jurisdiction.
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The foregoing Resolution was passed by the Tohono O'odham Council on the 7th day of February, 1991 at a meeting at which a quorum was present with a vote of 1,425.0 for; 185.0 against; 114.0 not voting; 02 absent, pursuant to the powers vested in the Council by Section 1(d) (1) of Article VI of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986, and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

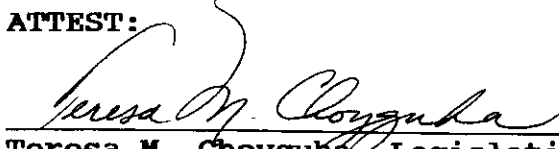
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Edward D. Manuel, Legislative Chairman

11th day of February, 1991.

ATTEST:



Teresa M. Choyguha, Legislative Secretary

11th day of February, 1991.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 11th day of February, 1991, at 4:26 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



Edward D. Manuel, Legislative Chairman

[] APPROVED) on the 13th day of Feb., 1991.

[] DISAPPROVED) at 4:16 o'clock, P.M.



ANGELO J. JOAQUIN, SR., Chairman
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 13th day of
February, 19 91, at 4:20 o'clock, p.M.

Teresa M. Choyguha
Teresa M. Choyguha
Legislative Secretary

MOVED: COUNCILMAN EARL FRANCISCOSUBJECT: DIRECTING THE ASSERTION OF SOVEREIGNSECOND: COUNCILMAN JOSEPH JUANIMMUNITY CONCERNING CERTAIN CLAIMSDATE: FEBRUARY 7, 1991

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 229.0	1. Earl A. Francisco (Kenneth Chico)	114.5	X			
	2. Joann Garcia (Frances Miquel)	114.5	X			
CHUKUT KUK 163.0	1. Rosita Ruiz (Rosemary Lopez)	81.5	X			
	2. Kenneth Williams (Harriet Toro)	81.5	X			
GU ACHI 166.0	1. Percy Lopez ()	83.0	X			
	2. Alex Ramon (Fernando Joaquin)	83.0	X			
GU VO 114.0	1. Cross Antone (Juan Joe Cipriano)	57.0			X	X
	2. Virgil Lewis (Michael Flores)	57.0			X	
HICKIWAN 125.0	1. Lloyd Francisco (Billy C. Manuel)	62.5	X			
	2. Lenora Montana ()	62.5	X			
PISINEMO 119.0	1. Johnson Jose ()	59.5	X			
	2. Edward Manuel (Alex Antone)	59.5	X			
SAN LUCY 106.0	1. Albert Manuel, Jr. (Max P. Jose)	53.0		X		
	2. John Reno ()	53.0		X		X
SAN XAVIER 127.0	1. Eugene Enis, Sr.** (Michael Rios)	63.5	X			
	2. Joanne C. Preston (Carmelita Mattias)	63.5	X			
SCHUK TOAK 107.0	1. JoAnn Francisco (David Valenzuela, Sr)	53.5	X			
	2. Joseph Juan (Frances Francisco)	53.5	X			
SELLS 310.0	1. Joseph T. Joaquin (Larry Garcia)	155.0	X			
	2. Andrew Patricio (Daniel Lopez)	155.0	X			
SIF OIDA 158.0	1. Mary Ann Antone (Nina Jose)	79.0		X		
	2. Willard Juan, Sr. (Melissa Gregorio)	79.0	X			
TOTAL		1,724.0	1,425.0	185.0	114.0	02

**PASSED VOTES