

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Adopting Procedures for Disclosure of Confidential  
Information Regarding SAWRSA and U.S. v. Tucson)

RES. NO. 91-104

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2 WHEREAS, eleven individual allottees have filed (1) a Motion for  
3 Class Certification in United States v. Tucson (Civ. No.  
4 75-39-TUC-RCB, USDC Arizona) (the "Lawsuit") seeking  
5 recognition as representatives for a putative class of  
6 allottees (the "Allottees") within the San Xavier District  
7 of the Tohono O'Odham Nation (the "Nation") and (2) an  
8 objection to the request of the United States to dismiss  
9 the Lawsuit; and

10 WHEREAS, failure to secure a final dismissal of the Lawsuit will  
11 adversely impact the water resources available to the  
12 Nation and its members, including member allottees, the  
13 San Xavier District and the Schuk Toak District; and

14 WHEREAS, the Water Resources Committee ("WRC") of the Nation's  
15 Legislative Council, other officials of the Nation and  
16 Allottee representatives have been engaging in settlement  
17 negotiations in an effort to secure a final dismissal of  
18 the Lawsuit premised on a mutually beneficial resolution  
19 of disputes and concerns regarding the Southern Arizona  
20 Water Rights Settlement Act of 1982 and other water rights  
21 matters; and

22 WHEREAS, it is essential to productive settlement negotiations that  
23 confidential information be shared by the Nation with the  
24 Allottees, as well as the officials of the San Xavier and  
25 Schuk Toak Districts; and

26 WHEREAS, it is equally essential that this confidential information  
27 be protected against further disclosure to persons not  
28 authorized to receive the information; and

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2 WHEREAS, disclosure to unauthorized persons risk substantial  
3 prejudice to the water resources of the Nation; and

4 WHEREAS, it is necessary and advisable to establish terms and  
5 conditions for disclosure of confidential information to  
6 the Allottees and the Districts in order to protect the  
7 water resources of the Nation for the benefit of its  
8 members and the affected Districts; and

9 WHEREAS, the Water Resources Committee has recommended approval of  
10 this Resolution by the Legislative Council.

11 NOW, THEREFORE, BE IT RESOLVED THAT:

12 1. The Tohono O'odham Legislative Council hereby  
13 establishes the following terms and conditions for  
14 disclosure of the Nation's confidential information to  
15 Allottees, officials of the San Xavier and Schuk Toak  
16 Districts, and legal counsel for the Allottees and such  
17 Districts:

18 a. Subject to the ultimate authority of the  
19 Legislative Council, the Water Resources  
20 Committee shall determine whether, or to what  
21 extent, the Nations' documents relating to the  
22 settlement discussions are confidential.

23 b. With respect to each document designated  
24 confidential:

25 (1) Two copies of the document shall be  
26 provided to the San Xavier District and two  
27 copies shall be provided to the Schuk Toak  
28 District.

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(2) The respective Chairpersons of each District shall maintain custody and control over the documents and their review by authorized persons.

(3) For purposes of the preceding clause (2), authorized persons shall mean Allottees, District Council representatives of the respective Districts, the Allottee's legal counsel of record in the lawsuit, and legal counsel for such Districts.

(4) Authorized persons shall review the document at the District offices.


(5) One additional copy of the document shall be provided to the allottee's legal counsel of record and legal counsel for each District.

(6) The restrictions on copying, signatures and information concerning authorized persons, and other terms and conditions on disclosure set forth in the attached document entitled "Confidentiality Conditions", are approved and incorporated herein by reference.


2. The Water Resources Committee is authorized to review all documents provided hereunder, as well as the Confidentiality Conditions, to assure compliance with this Resolution.

The foregoing Resolution was passed by the Tohono O'odham Council on the 27th day of March, 1991 at a meeting at which a quorum was present with a vote of 821.5 for; 724.0 against; 178.5 not voting; 03 absent, pursuant to the powers vested in the Council by Section 2 of Article XVII 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  
28 day of March, 1991.

ATTEST:

  
Teresa M. Choyguha, Legislative Secretary  
28th day of March, 1991.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 28th day of March, 1991, at 11:39 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

  
Edward D. Manuel, Legislative Chairman

[ ] APPROVED ) on the 2nd day of April, 1991,  
[  ] DISAPPROVED ) at 11:15 o'clock, A.M.

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

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Returned to the Legislative Secretary on the 2<sup>nd</sup> day of April, 19 91, at 11:20 o'clock, A.M.

Teresa M. Choyguha  
Teresa M. Choyguha  
Legislative Secretary

MOVED: COUNCILWOMAN MARY ANN ANTONESUBJECT: ADOPTING PROCEDURES FOR DISCLOSURE OFSECOND: COUNCILMAN VIRGIL LEWISCONFIDENTIAL INFORMATION REGARDING SAWRSA ANDDATE: MARCH 27, 1991U.S. v. TUCSON

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 Miguel)	114.5	X			
CHUKUT KUK 163.0	1. Rosita Ruiz (Rosemary Lopez)	81.5		X		X
	2. Kenneth Williams (Harriet Toro)	81.5		X		
GU ACHI 166.0	1. Percy Lopez ( )	83.0		X		X
	2. Alex Ramon (Fernando Joaquin)	83.0		X		
GU VO 114.0	1. Cross Antone (Juan Joe Cipriano)	57.0	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	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			
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 OIDAK 158.0	1. Mary Ann Antone (Nina Jose)	79.0	X			
	2. Willard Juan, Sr. (Melissa Gregorio)	79.0	X			
TOTAL		1,724.0	821.5	724.0	178.5	03

\*\*PASSED VOTES