

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Authorizing Settlement of Royalty Dispute with**  
**Cyprus Casa Grande Corporation)**

**RESOLUTION NO. 92-466**

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3 **WHEREAS, the Nation, on July 23, 1987, entered into a mining lease with**  
4 **Cyprus Casa Grande Corporation ("Cyprus"); and**

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6 **WHEREAS, in November, 1988 Cyprus began processing copper concentrate**  
7 **brought in from other mines at the lease site; and**

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9 **WHEREAS, the introduction of foreign copper gave rise to a dispute over**  
10 **ownership of copper in the mining operations, and a corollary**  
11 **dispute on royalties owed by Cyprus to the Nation in which**  
12 **Cyprus presented the Nation with a notice of overpayment in the**  
13 **amount of \$540,414.82; and**

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15 **WHEREAS, in an effort to resolve the dispute the Nation employed the**  
16 **consulting firm of Whitney and Whitney and sought and received**  
17 **technical assistance from the Bureau of Land Management and**  
18 **the Bureau of Indian Affairs; and**

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21 **WHEREAS, negotiations between Cyprus and the Nation have resulted in a**  
22 **better understanding of the mining operations being conducted by**  
23 **Cyprus, and Cyprus has developed a royalty manual as required**  
24 **in paragraph 13 of the mining lease which the parties believe**  
25 **presents an efficient and technically correct method for**  
26 **determining royalties on copper recovered at the lease site**  
27 **(attached as Exhibit "A"); and**  
28

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4 **WHEREAS,** *recalculating the royalties accruing to the Nation beginning in*  
5 *November, 1988 in accordance with the methods described in the*  
6 *manual will reduce the amount claimed by Cyprus as an*  
7 *overpayment of royalties to the Nation to \$287,355.81; and*

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9 **WHEREAS,** *the Natural Resources Committee of the Legislative Council*  
10 *recommends settling the royalty dispute with Cyprus by entering*  
11 *into the settlement agreement attached hereto as Exhibit "B" and*  
12 *1) agreeing to retroactive and future application of the royalty*  
13 *calculation methods set out in the revised royalty manual, 2)*  
14 *agreeing to amend the mining lease to incorporate the royalty*  
15 *manual, 3) agreeing that the Nation and Cyprus each take*  
16 *responsibility for one-half of the alleged outstanding overpayment,*  
17 *and that the Nation pay to Cyprus the sum of \$143,677.90,*  
18 *4) agreeing to deferral of the Nation's payment to Cyprus, and 5)*  
19 *agreeing that Cyprus may recoup the in-situ inventory credited to*  
20 *the Nation.*

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25 **NOW, THEREFORE, BE IT RESOLVED** *that the Legislative Council of the*  
26 *Nation approves the settlement agreement with Cyprus Casa*  
27 *Grande Corporation attached hereto and authorizes the Chairman*  
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of the Nation to execute the agreement to finally resolve the  
royalty dispute between the Nation and Cyprus.

The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 9TH. day of DECEMBER, 1992 at a meeting at which a quorum was present with a vote of 1,210.0 FOR; 127.0 AGAINST; -0- NOT VOTING; and 387.0 [10] ABSENT, pursuant to the powers vested in the Council by Section 1 (f) & (i) and Section 2(d) 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**

Mary Ann Antone  
Mary Ann Antone, Legislative Chairwoman

14th day of December, 1992

**ATTEST:**

Guacinda Allen for:  
Teresa M. Choyguha, Legislative Secretary

14th. day of December, 1992.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 14th day of December, 1992, at 1:07 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.

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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

Joanne C. Preston  
for **Mary Ann Antone, Legislative Chairwoman**

**APPROVED** on the 14 day of December, 1992

**DISAPPROVED**) at 16:41 o'clock, P.M.

Josiah Moore  
**JOSIAH MOORE, Chairman**  
**TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 15<sup>th</sup> day of December,  
1992, at 8:33 o'clock, A.M.

Aracinda Allen for:  
**Teresa M. Choyguha, Legislative Secretary**

MOVED: COUNCILMAN WILLARD JUAN, SR. SUBJECT: AUTHORIZING SETTLEMENT OF ROYALTY DISPUTESECOND: COUNCILMAN ANDREW PATRICIO WITH CYPRUS CASA GRANDE CORPORATIONDATE: DECEMBER 09, 1992

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 163.0	1. Kenneth Williams (Harriet Toro)	81.5	X			
	2. Alberta M. Lopez (Berdella Jose)	81.5	X			X
HICKIWAN 125.0	1. Lloyd Francisco (Billy C. Manuel)	62.5	X			
	2. Manuel Osequeda, Jr. ( )	62.5	X			
GU VO 114.0	1. Michael Flores	57.0				X
	2. Emilio Lewis (Anthony Flores)	57.0				X
SAN LUCY 106.0	1. Albert Manuel, Jr. (Max P. Jose)	53.0	X			
	2. John Reno ( )	53.0	X			X
PISINEMO 119.0	1. Johnson Jose ( )	59.5	X			
	2. Chester Antone (Fernando Valentine)	59.5	X			
GU ACHI 166.0	1. Alex Ramon (Fernando Joaquin)	83.0				X
	2. Willard Anita ( )	83.0				X
BABOQUIVARI 229.0	1. Earl A. Francisco (Kenneth Chico, Sr.)	114.5	X			
	2. Frances Miguel ( )	114.5	X			
SAN XAVIER 127.0	1. Joanne C. Preston (Carmelita Mattias)	63.5		X		
	2. Eugene Enis, Sr. (Michael R. Rios)	63.5		X		X
SCHUK TOAK 107.0	1. JoAnn Francisco (David Valenzuela Sr.)	53.5				X
	2. Frances Francisco (Joseph Juan)	53.5				X
SELLS 310.0	1. Joseph T. Joaquin (Larry Garcia)	155.0	X			
	2. Andrew Patricio (Lucille Encinas)	155.0	X			
SIF OIDAK 158.0	1. Mary Ann Antone (Nina Jose)	79.0	X			X
	2. Willard Juan, Sr. (Delbert Thomas)	79.0	X			
TOTAL		1,724.0	1,210.0	127.0	-0-	387.0 [10]

\*\*PASSED VOTES