

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing settlement of outstanding questioned cost
disputes on appeal to the Interior Board of Contract Appeals)**

RESOLUTION NO. 93-216

WHEREAS, there are currently pending several matters before the Interior Board of Contract Appeals (IBCA) arising out of disputes between the Nation and the Bureau of Indian Affairs (BIA) over the expenditure of grant and contract funding under the Indian Self-Determination and Education Assistance Act, 25 U.S.C.

§ 450 et seq., Public Law 93-638, which are docketed under the following case numbers: IBCA 1966, IBCA 1993, IBCA 2645, IBCA 2652, and IBCA 2653; and

WHEREAS, there are additional matters also arising out of such questioned cost disputes which are not currently docketed with the IBCA: Grant No. H50G14206803 and Contract No. H50C14209946; and

WHEREAS, the Nation is interested in resolving all of the above-identified disputes with the BIA without the need for additional litigation and costs associated with such litigation; and

WHEREAS, the Nation's Office of Attorney General has recommended a settlement proposal to resolve all of the above-identified outstanding disputes which has been approved by the Nation's Executive Office and the Budget and Finance Committee.

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NOW, THEREFORE, BE IT RESOLVED that the Legislative Council
authorizes and approves settlement of the disputes raised in
IBCA Case Nos. 1966, 1993, 2645, 2652, and 2653 and the
claims raised under Grant No. H50G14206803 and Contract No.
H50C14209946 upon the following terms and conditions:

- 1. The Nation will dismiss its appeals in IBCA Case Nos. 1966, 1993, 2645, 2652 and 2653, and will dismiss its claims arising from Grant No. H50G14206803 and Contract No. H50C14209946.**
- 2. The above-stated dismissals shall be conditioned on the BIA's dismissal of its claims in IBCA Case Nos. 1966, 2645, 2646, 2652 and 2653, and dismissal of its claims arising from Grant No. H50G14206803, and Contract No. H50C14209946.**

BE IT FURTHER RESOLVED that the Legislative Council authorizes the
Nation's Chairman and the Nation's Office of Attorney General
to execute the attached Stipulation for Dismissal and such
further documents as may be necessary to implement the
settlement agreement.

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The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 11TH. day of JUNE, 1993 at a meeting at which a quorum was present with a vote of 1,763.0 FOR; -0- AGAINST; -0- NOT VOTING; and 05 ABSENT, pursuant to the powers vested in the Council by Section 1 (d)(2), and (f) 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



Alex J. Ramon, Legislative Chairman

14th day of June, 19 93

ATTEST:



Teresa M. Choyguha, Legislative Secretary

14th day of June, 19 93.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 14th day of June, 1993, at 5:00 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



Alex J. Ramon, Legislative Chairman


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APPROVED on the 15 day of June, 1993

DISAPPROVED) at 4:21 o'clock, P..M.



SYLVESTER LISTO, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 16th day of June,
1993, at 9:00 o'clock, A.M.



Teresa M. Choyguha, Legislative Secretary

MOVED: COUNCILMAN WILLARD JUAN, SR.SUBJECT: AUTHORIZING SETTLEMENT OF OUTSTANDINGSECOND: COUNCILMAN ALBERT MANUEL, JR.QUESTIONED COST DISPUTES ON APPEAL TO THEDATE: JUNE 11, 1993INTERIOR BOARD OF CONTRACT APPEALS

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 151.0	1. Willard Juan, Sr. (Delbert Thomas)	75.5	X			
	2. Mary Ann Antone (Nellie Miguel)	75.5	X			
SELLS 290.0	1. Andrew Patricio (Lucille Encinas)	145.0	X			X
	2. Joseph T. Joaquin (Allen W. Garcia, Jr.)	145.0	X			
SCHUK TOAK 113.0	1. Frances Francisco ()	56.5	X			
	2. Kenneth J. Antone ()	56.5	X			
SAN XAVIER 135.0	1. Eugene Enis (Michael R. Rios)	67.5	X			
	2. Dennis Ramon ()	67.5	X			
BABOQUIVARI 230.0	1. Frances Miguel ()	115.0	X			
	2. Earl A. Francisco (Lucilda Norris)	115.0	X			
GU ACHI 180.0	1. Willard Anita ()	90.0	X			X
	2. Alex J. Ramon (Marian Johnson)	90.0	X			
PISINEMO 128.0	1. Chester Antone (Fernando Valentine)	64.0	X			
	2. Johnson Jose (Roseleen Antone)	64.0	X			
SAN LUCY 98.0	1. John Reno ()	49.0	X			
	2. Albert Manuel, Jr. (Ernestine Marquez)	49.0	X			
GU VO 124.0	1. Emilio Lewis (Anthony Flores)	62.0	X			
	2. Michael Flores (Fern Salcido)	62.0	X			X
HICKIWAN 136.0	1. Manuel Osequeda, Jr. ()	68.0	X			X
	2. Lloyd Francisco (Henry A. Ramon)	68.0	X			
CHUKUT KUK 178.0	1. Alberta M. Lopez (Berdella Jose)	89.0	X			
	2. Kenneth Williams ()	89.0	X			X
TOTAL		1,763.0	1,763.0	-0-	-0-	05

**PASSED VOTES