

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Authorizing Settlement of Premium Dispute with Royal Insurance  
Company and Appropriating Funds for that Purpose)**

**RESOLUTION NO. 93-288**

**WHEREAS, Royal Insurance Company ("Royal") issued to the Tohono  
O'odham Nation (the "Nation") general liability and workers's  
compensation policies for calendar year 1990; and**

**WHEREAS, the premium (1) were based on the Tribal payroll for the policy  
year, and (2) were payable at the beginning of such year on the  
basis of projected payroll (and job classifications for purposes  
of worker's compensation) and (3) were subject to adjustment  
at the end of the calendar year based on actual payroll  
determined pursuant to an audit by Royal; and**

**WHEREAS, in the course of the audit for calendar year 1990, the Royal  
auditor made numerous revisions in the job classifications for  
Tribal employees for purposes of calculating worker's  
compensation premiums; and**

**WHEREAS, the changes in job classifications moved numerous positions to  
a higher risk level for worker's compensation purposes, causing  
a significant increase in the adjusted worker's compensation  
premium; and**

**WHEREAS, Royal made a demand on the Nation for additional premiums  
for calendar year 1990 in the amount of \$53,124 based on  
Royal's audit; and**

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3 **WHEREAS,** officials of the Nation disputed the job reclassifications, which  
4 accounted for nearly 75% of the adjusted premium calculated  
5 by Royal, and rejected Royal's demand; and  
6

7 **WHEREAS,** following negotiations, officials of the Nation offered to  
8 recommend settlement by the Nation in the amount of \$14,134  
9 which represented an additional premium based solely on  
10 increased payroll during 1990 (exclusive of any premium  
11 adjustment attributed to reclassified positions); and  
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14 **WHEREAS,** Royal has accepted the Nation's counteroffer; and

15 **WHEREAS,** the Budget & Finance and Human Resource Development  
16 Committees recommend approval of settlement by the  
17 Legislative Council in the amount of \$14,134.  
18

19 **NOW, THEREFORE, BE IT RESOLVED THAT:**

- 20  
21 1. The Legislative Council of the Tohono O'odham Nation  
22 hereby approves a settlement with Royal Insurance  
23 Company in the amount of \$14,134 in full satisfaction of the  
24 additional premiums on the general liability and worker's  
25 compensation policies issued by Royal for calendar year  
26 1990.  
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2. The Legislative Council hereby appropriates the sum of \$14,134 from the Fiscal Year 1993 Contingency Account and authorizes payment of such amount for purposes of such settlement upon execution by Royal of a Mutual Release of Claims in the form attached hereto.

3. The Chairman of the Nation, in consultation with the Attorney General, is authorized and directed to execute the Mutual Release of Claims on behalf of the Tohono O'odham Nation and to transmit a check payable jointly to Royal and its attorneys, negotiable upon execution by Royal and its attorneys of such Mutual Release.

The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 4TH. day of AUGUST, 1993 at a meeting at which a quorum was present with a vote of 1,714.0 FOR; -0- AGAINST; 49.0 NOT VOTING; and 03 ABSENT, pursuant to the powers vested in the Council by Section 1(d)(2) & 1(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

5<sup>th</sup> day of August, 1993

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ATTEST:

Teresa M. Choyguha  
Teresa M. Choyguha, Legislative Secretary

5<sup>th</sup> day of August, 1993.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 5<sup>th</sup> day of August, 1993 at 1:16 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  
Alex J. Ramon, Legislative Chairman

APPROVED on the 6 day of August, 1993

DISAPPROVED) at 3:30 o'clock, P.M.

Sylvester Listo  
SYLVESTER LISTO, Chairman  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 6<sup>th</sup> day of August, 1993, at 3:56 o'clock, P.M.

Yucinda Allen for:  
Teresa M. Choyguha, Legislative Secretary

**ACTION:** AUTHORIZING SETTLEMENT OF PREMIUM DISPUTE WITH ROYAL INSURANCE COMPANY AND APPROPRIATING FUNDS FOR THAT PURPOSE

**MOVED:** COUNCILMAN EARL A. FRANCISCO

**SECOND:** COUNCILWOMAN FRANCES MIGUEL

**DATE:** AUGUST 04, 1993

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF OIDAK</b> 151.0	1. WILLARD JUAN, SR. (Delbert Thomas)	75.5	X			X
	2. MARY ANN ANTONE (Nellie Miguel)	75.5	X			
<b>SELLS</b> 290.0	1. ANDREW M. PATRICIO (Lucille Encinas)	145.0	X			
	2. JOSEPH T. JOAQUIN (Allen W. Garica, Jr.)	145.0	X			
<b>SCHUK TOAK</b> 113.0	1. FRANCES FRANCISCO ( )	56.5	X			
	2. KENNETH J. ANTONE ( )	56.5	X			
<b>SAN XAVIER</b> 135.0	1. EUGENE ENIS, SR. ( )	67.5	X			
	2. DENNIS RAMON ( )	67.5	X			
<b>BABOQUIVARI</b> 230.0	1. FRANCES MIGUEL ( )	115.0	X			
	2. EARL A. FRANCISCO (Lucilda Norris)	115.0	X			
<b>GU ACHI</b> 180.0	1. WILLARD ANITA ( )	90.0	X			
	2. ALEX J. RAMON (Marian Johnson)	90.0	X			
<b>PISINEMO</b> 128.0	1. CHESTER ANTONE (Fernando Valentine)	64.0	X			X
	2. JOHNSON M. JOSE (Roseleen Antone)	64.0	X			
<b>SAN LUCY</b> 98.0	1. JOHN RENO ( )	49.0	X			
	2. ALBERT MANUEL, JR. (Ernestine Marquez)	49.0			X	
<b>GU VO</b> 124.0	1. EMILIO LEWIS ( )	62.0	X			
	2. MICHAEL FLORES (Fern Salcido)	62.0	X			
<b>HICKIWAN</b> 136.0	1. MANUEL OSEQUEDA, JR. ( )	68.0	X			
	2. LLOYD FRANCISCO (Henry A. Ramon)	68.0	X			
<b>CHUKUT KUK</b> 178.0	1. ALBERTA M. LOPEZ (Berdella Jose)	89.0	X			X
	2. KENNETH WILLIAMS ( )	89.0	X			
<b>TOTAL</b>		<b>1,763.0</b>	<b>1,714.0</b>	<b>-0-</b>	<b>49.0</b>	<b>03</b>

**\*\*PASSED VOTES**