

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing Partial Settlement of Civil Claims in the Meadowood
Matter and Appropriating Funds Related Thereto)**

RESOLUTION NO. 94-220

WHEREAS, the Tohono O'odham Nation has substantial damage claims against a former employee and others arising out of financial misconduct in the unauthorized use of the Nation's funds; and

WHEREAS, there is pending before the United States District Court a civil interpleader action, captioned Sutro & Company v. Meadowood Ranch, Inc. and Tohono O'odham Nation, CIV 94-215-TUC-RMB (D.Ariz.) (the "Federal Lawsuit"), which concerns a dispute between Meadowood and the Nation regarding the ownership of certain accounts maintained by Sutro; and

WHEREAS, Meadowood Ranch, Inc. ("Meadowood") is a Texas corporation whose sole officers, directors and shareholders are represented to be Todd W. Seaton, James J. Rutledge and R. Norman Gill (collectively referred to as the "Meadowood Principals"); and

WHEREAS, without the approval or knowledge of the Nation, the former employee wrongfully caused not less than \$2,150,000 of the Nation's funds to be transferred to Meadowood and the Meadowood Principals in the form of a purported loan secured by a certain deed of trust

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on property situated in Texas known as the "Meadowood Ranch"; and

WHEREAS, negotiations have been conducted with the Meadowood Principals regarding restitution to the Nation of \$2,150,000, as well as additional damages suffered by the Nation in connection with the purported loan, and other matters; and

WHEREAS, the Investment and Budget & Finance Committees recommend approval of a proposal for partial restitution of the Nation's funds on the terms prescribed below.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The Attorney General of the Nation is authorized to execute a stipulation for judgment in the Federal Lawsuit pursuant to which the Nation would be determined as the sole owner of the Sutro accounts at issue and entitled to the receipt of all funds and securities in such accounts.**
- 2. In consultation with the Nation's Attorney General and the Investment Committee, the Chairman of the Nation is authorized and directed to accept from**

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Meadowood and the Meadowood Principals a quitclaim deed by which the Nation receives all of their right, title and interest in the Meadowood Ranch.

3. In consultation with the Nation's Attorney General and the Investment Committee, the Chairman of the Nation is further authorized and directed to:

(a) Engage a real estate agent on behalf of the Nation to secure prospective buyers for the Meadowood Ranch;

(b) Engage a property manager and such other personnel as may be required to properly maintain the Ranch and conduct necessary repairs prior to sale;

(c) Secure an appraisal and title insurance on the Ranch;

(d) Sell livestock, equipment and other personal property connected with the Ranch consistent with maximizing sale proceeds under current market conditions; and

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(e) Execute such agreements and other documents as may be required to secure the sale of Meadowood Ranch and implement this Resolution; provided that the sale of the Ranch must be first approved by the Legislative Council.

4. The Legislative Council hereby appropriates the sum of \$75,000 from the General Revenue Account for expenditure by the Chairman of the Nation to implement the directions set forth in this Resolution.

5. Nothing herein shall be construed as a release of liability of Meadowood, the Meadowood Principals or others; provided that any funds received by the Nation as a result of a judgment in the Federal Lawsuit or the sale of Meadowood Ranch and associated personal property, less attorneys' fees, costs and other expenses of the Nation, shall be credited against the amount of the Nation's claims against Meadowood and the Meadowood Principals as determined by final court judgment(s) or settlement.

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The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 8TH day of JUNE, 1994 at a meeting at which a quorum was present with a vote of 1,665.0 FOR; -0- AGAINST; -0- NOT VOTING; and 98.0 [04] ABSENT, pursuant to the powers vested in the Council by Section 1(d)(1), (2) & (3) 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


For **Alex J. Ramon, Legislative Chairman**

14 day of June, 1994

ATTEST:


Teresa M. Choyguha, Legislative Secretary

14th day of June, 1994.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 14 day of June, 1994 at 12:11:12 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


For **Alex J. Ramon, Legislative Chairman**

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APPROVED

on the 15 day of June, 1994

DISAPPROVED

at 12:42 o'clock, P.M.



**SYLVESTER LISTO, Chairman
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 16th day of

June, 1994, at 3:55 o'clock, P.M.


Teresa M. Choyguha, Legislative Secretary

ACTION: AUTHORIZING PARTIAL SETTLEMENT OF CIVIL CLAIMS IN THE MEADOWOOD MATTER AND APPROPRIATING FUNDS RELATED THERETO

MOVED: COUNCILMAN EUGENE ENIS, SR.

SECOND: COUNCILMAN MANUEL OSEQUEDA, JR.

DATE: JUNE 08, 1994

DISTRICT	LEGISLATIVE 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 M. PATRICIO (Lucille Encinas)	145.0	X			
	2. JOSEPH T. JOAQUIN (Allen W. Garcia, Jr.)	145.0	X			
SCHUK TOAK 113.0	1. FRANCES FRANCISCO ()	56.5	X			X
	2. KENNETH J. ANTONE ()	56.5	X			
SAN XAVIER 135.0	1. EUGENE ENIS, SR. ()	67.5	X			
	2. DENNIS RAMON ()	67.5	X			
BABOQUIVARI 230.0	1. FRANCES MIGUEL ()	115.0	X			
	2. EARL A. FRANCISCO ()	115.0	X			
GU ACHI 180.0	1. WILLARD ANITA ()	90.0	X			
	2. ALEX J. RAMON (Marian Johnson)	90.0	X			
PISINEMO 128.0	1. CHESTER ANTONE (Fernando Valentine)	64.0	X			
	2. JOHNSON M. 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 ()	62.0	X			
	2. MICHAEL FLORES (Fern Salcido)	62.0	X			
HICKIWAN 136.0	1. MANUEL OSEQUEDA, JR. ()	68.0	X			
	2. LLOYD FRANCISCO ()	68.0	X			
CHUKUT KUK 178.0	1. ALBERTA M. LOPEZ (Berdella Jose)	89.0	X			X
	2. KENNETH WILLIAMS ()	89.0	X			
TOTAL		1,763.0	1,665.0	-0-	-0-	98.0 [04]

****PASSED VOTES**