

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing Partial Settlement in Meadowood Litigation and
Identifying Appropriated Funds)**

RESOLUTION NO. 97-288

1
2
3
4 **WHEREAS, by Order and Amended Judgment entered by the Court on**
5 **June 4, 1997 and June 6, 1997, respectively, in the lawsuit**
6 **captioned Tohono O'odham Nation v. Dutari et al., U.S.D.C.**
7 **Ariz., No. CIV 94-547 TUC-FRZ, (1) the Motion for Summary**
8 **Judgment filed by First Interstate Bank ("First Interstate")**
9 **was granted by the Court in favor of First Interstate and**
10 **against the Tohono O'odham Nation (the "Nation") with**
11 **respect to the Nation's contract claim asserted against First**
12 **Interstate, and (2) the Court awarded to First Interstate**
13 **\$59,203.66 (comprised of \$55,464.05 in attorneys' fees and**
14 **\$3,739.61 in costs); and**

15
16
17
18 **WHEREAS, the Nation timely filed a Notice of Appeal to the Ninth Circuit**
19 **Court of Appeals (the "Appeal") on all rulings by the Court in**
20 **the foregoing Order and Amended Judgment; and**

21
22 **WHEREAS, the subject of settling the claims of First Interstate based on**
23 **the Order and Amended Judgment (the "First Interstate**
24 **Claims"), and withdrawal of the Nation's Appeal, was**
25 **discussed in closed sessions of the Tohono O'odham**
26 **Legislative Council on July 8, 1997 and July 14, 1997; and**
27
28

RESOLUTION NO. 97-288

(Authorizing Partial Settlement in Meadowood Litigation and Identifying Appropriated Funds)

Page 2 of 4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WHEREAS, proceeding with settlement negotiations is conditioned on setting the parameters of settlement and identifying a source of appropriated funds for any payment by the Nation.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The Tohono O'odham Legislative Council hereby authorizes the Attorney General of the Nation to negotiate and conclude a settlement of the First Interstate Claims and withdraw the Nation's Appeal on the terms and conditions established in the closed sessions of the Legislative Council held on July 8, 1997 and July 14, 1997.**

- 2. As used in Section 3(B) of the Attorney Contract with the law firm of Fines & Oden, as modified by Amendment Nos. 1 and 2, the terms "actual and reasonable expenses" shall include the amount of any payment authorized by this Resolution and agreed to be made by the Tohono O'odham Nation in connection with a settlement of the First Interstate Claims.**

RESOLUTION NO. 97-288

(Authorizing Partial Settlement in Meadowood Litigation and Identifying Appropriated Funds)

Page 3 of 4

The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 14TH day of JULY, 1997 at a meeting at which a quorum was present with a vote of 1,671.0 FOR; -0- AGAINST; 95.0 NOT VOTING; and 161.0 [04] ABSENT, pursuant to the powers vested in the Council by Section 1(d)(2) 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



Dennis Ramon, Legislative Chairman

15th day of July, 1997

ATTEST:



Julianna Saraficio, Acting Legislative Secretary

14th day of July, 1997.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 15th day of July, 1997 at 11:02 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.

RESOLUTION NO. 97-288

(Authorizing Partial Settlement in Meadowood Litigation and Identifying Appropriated Funds)

Page 4 of 4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Dennis Ramon, Legislative Chairman

APPROVED

on the 17 day of July, 1997

DISAPPROVED

at 10:32 o'clock, A.M.



**EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 17th day of

July, 1997, at 11:08 o'clock, A.M.



Julianna Saraficio, Acting Legislative Secretary

ACTION: AUTHORIZING PARTIAL SETTLEMENT IN MEADOWOOD LITIGATION AND IDENTIFYING APPROPRIATED FUNDS

MOVED: COUNCILMAN JOSEPH JUAN

SECOND: VICE CHAIRMAN ALBERT MANUEL

DATE: JULY 14, 1997

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 189.0	1. DAVID GARCIA (Marvin Thomas)	94.5	X			
	2. KENNETH WILLIAMS (Arnold F. Smith Sr.)	94.5	X			
HICKIWAN 146.0	1. ALEX JOSE ()	73.0	X			
	2. LLOYD FRANCISCO (Susan Sam)	73.0	X			
GU VO 142.0	1. FERN SALCIDO (Larry Montana)	71.0	X			
	2. GLORIA MONTANA (Phillip Antone)	71.0	X			X
SAN LUCY 114.0	1. JOHN RENO (Mary Hoffman)	57.0	X			
	2. ALBERT MANUEL, JR. (Jana Montana)	57.0	X			
PISINEMO 139.0	1. BARBARA SALVICIO ()	69.5	X			
	2. JOHNSON JOSE ()	69.5	X			
GU ACHI 190.0	1. LOUIS JOHNSON ()	95.0			X	
	2. ALEX J. RAMON ()	95.0	X			
BABOQUIVARI 258.0	1. FRANCES MIGUEL ()	129.0	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	129.0	X			X
SAN XAVIER 146.0	1. TONY BURRELL ()	73.0	X			
	2. DENNIS RAMON ()	73.0	X			
SCHUK TOAK 120.0	1. JOSEPH JUAN ()	60.0	X			
	2. AMBROSE ENCINAS ()	60.0	X			
SELLS 322.0	1. LUCILLE ENCINAS (Cynthia Chico)	161.0	X			
	2. EVELYN JUAN (Dennis Jose)	161.0	X			
SIF OIDAK 161.0	1. RITA MARTINEZ (Maxine Norris)	80.5				X
	2. MARY ANN ANTONE (Darlene Andrew)	80.5				X
TOTAL		1,927.0	1,671.0	-0-	95.0	161.0 [04]

**PASSED VOTES