

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving Settlement Amount and Settlement Agreement and Rescinding**  
**Resolution No. 12-059)**

**RESOLUTION NO. 12-064**

1 **WHEREAS, the Tohono O'odham Nation filed a lawsuit against the United States Departments of**  
2 **the Interior and Treasury and the Office of the Special Trustee for American Indians**  
3 **in December 2006 in the United States District Court for the District of Columbia,**  
4 **styled *Tohono O'odham Nation v. Dirk Kempthorne, Ross O. Swimmer, and Henry M.***  
5 ***Paulson*, Case Number 1:06CV02236; and**

6 **WHEREAS, after litigation of the case for several years the Nation joined with other tribes and**  
7 **entered into settlement discussions with officials of the Obama administration; and**

8 **WHEREAS, in December 2011 the United States made an initial offer of settlement to the Nation,**  
9 **and the attorneys for the parties, after additional exchange of proposals, have now**  
10 **concluded their settlement discussions as to the amount of the settlement; and**

11 **WHEREAS, on February 29, 2012, the Legislative Council passed Resolution No. 12-059 which**  
12 **approved a settlement amount and approved a draft of the settlement agreement**  
13 **which in paragraph 6(b) contained wording which the Nation proposed but which the**  
14 **United States had not yet approved; and**

15 **WHEREAS, the United States then rejected the wording which the Nation proposed but agreed to**  
16 **consider alternative wording; and**

17 **WHEREAS, the attorneys for the two parties have agreed to alternative wording creating a new**  
18 **paragraph 6(f) to address the Nation's concerns, and the Trust Settlement Delegation**  
19 **and the Legislative Council have also agreed; and**

20 **WHEREAS, the Trust Settlement Delegation of the Nation has conferred with the Nation's**  
21 **attorneys and recommends accepting the agreed upon settlement amount under the**  
22 **terms described in the settlement agreement which is called the Joint Stipulation of**  
23 **Settlement and [Proposed] Order ("Joint Stipulation"), and which has been presented**  
24 **to the Legislative Council on this date.**

25 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council:**

- 26 **1. Rescinds Resolution No. 12-059.**
- 27 **2. Accepts the settlement amount of \$23,750,000 as settlement of the Nation's claims**  
28 **in the complaint filed in the lawsuit.**
- 29 **3. Agrees to dismiss the lawsuit under the terms described in the Joint Stipulation**  
30 **and approves the Joint Stipulation substantially in the form attached hereto, with**

**RESOLUTION NO. 12-064**

**(Approving Settlement Amount and Settlement Agreement and Rescinding Resolution No. 12-059)**

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the understanding that minor nonsubstantive changes in the wording of the Joint Stipulation may still be made by the attorneys for the parties and that the contents of Exhibit 1(a full set of the 1/1/2012-1/31/2012 periodic Statements of Performance provided to the Nation by the Office of the Special Trustee for American Indians) can still be adjusted for completeness, under the supervision of the Nation's attorneys.

4. Authorizes the attorneys for the Nation, namely the Kilpatrick Stockton and Townsend law firm, to execute the Joint Stipulation on behalf of the Nation and to bind the Nation to its terms.
5. Authorizes the United States to pay the Kilpatrick Stockton and Townsend law firm their attorney fees in the manner and amount described in paragraph 15 of the Joint Stipulation.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 02<sup>ND</sup> Day of MARCH, 2012 a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0- AGAINST; 0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Section 1 (f) and 1 (j) 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).

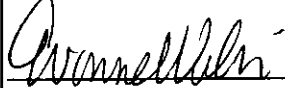
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

2 day of March, 2012

ATTEST:



Evonne Wilson, Legislative Secretary

2 day of March, 2012.

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1 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham  
2 Nation on the 2<sup>nd</sup> day of March, 2012 at 3:10 o'clock, P.M.,  
3 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective  
4 upon his approval or upon his failure to either approve or disapprove it within 48 hours of  
5 submittal.

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7 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

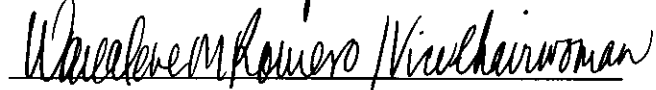
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10 **Timothy Joaquin, Legislative Chairman**

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15  **APPROVED**

on the 7 day of March, 2012

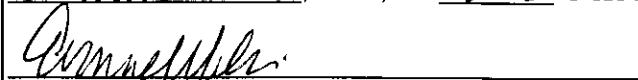
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17  **DISAPPROVED**

at 3:11 o'clock, P.M.

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20 **NED NORRIS, JR., CHAIRMAN**  
21 **TOHONO O'ODHAM NATION**

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26 **Returned to the Legislative Secretary on the 2 day of**

27 March, 2012, at 3:13 o'clock, P.M.

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31 **Evonne Wilson, Legislative Secretary**

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**ACTION:** APPROVING SETTLEMENT AMOUNT AND SETTLEMENT AGREEMENT AND RESCINDING RESOLUTION NO. 12-059

**MOVED:** COUNCILWOMAN OLIVIA VILLEGAS-LISTON      **SECOND:** COUNCILWOMAN CYNTHIA E. MANUEL

**DATE:** MARCH 02, 2012

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQIVARI</b> 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	171.0	X			X
<b>CHUKUT KUK</b> 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X			
	2. BILLMAN LOPEZ ( )	151.10	X			
<b>GU ACHI</b> 244.9	1. TIMOTHY L. JOAQUIN (Rose Johnson Antone)	122.45	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45	X			
<b>GU VO</b> 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X			
	2. PAMELA ANGHILL (Roselda Lewis)	113.35	X			
<b>HICKIWAN</b> 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ( )	93.15	X			
<b>PISINEMO</b> 200.7	1. CHESTER ANTONE (Tony Murrietta)	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
<b>SAN LUCY</b> 204.6	1. LORRAINE EILER ( )	102.30	X			X
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
<b>SAN XAVIER</b> 215.8	1. HILARION CAMPUS ( )	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X			
<b>SCHUK TOAK</b> 169.8	1. FRANCES B. CONDE (Anthony J. Rios)	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
<b>SELLS</b> 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85	X			
	2. EVELYN B. JUAN MANUEL ( )	237.85	X			
<b>SIF OIDAK</b> 211.9	1. NICHOLAS JOSE ( )	105.95	X			
	2. MARY LOPEZ ( )	105.95	X			
<b>TOTAL</b>		<b>2,780.60</b>	<b>2,780.60</b>	<b>-0-</b>	<b>-0-</b>	<b>[02]</b>