

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving Asarco Mission Mine Amendment to Settlement Agreement)**

**RESOLUTION NO. 11-412**

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to "consult,**  
2 **negotiate and conclude agreements and contracts on behalf of the Tohono O'odham**  
3 **Nation with Federal, State and local governments..." (Constitution of the Tohono**  
4 **O'odham Nation, Article VI, Section 1(f)); and**

5 **WHEREAS, on July 1, 2008, the Tohono O'odham Nation ("Nation") entered into a Settlement**  
6 **Agreement ("Agreement") pursuant to Resolution 08-095 regarding a reclamation plan**  
7 **for the Mission Mine; and**

8 **WHEREAS, the Agreement included a Reclamation Fund that was to be managed in accordance**  
9 **with the provisions of Exhibit E of the Agreement, which provided only for the**  
10 **purchase of Treasury Inflation Protected Securities; and**

11 **WHEREAS, since the date of the execution of the Agreement, market conditions have changed**  
12 **considerably and Treasury Inflation Protected Securities as a sole investment is no**  
13 **longer recommended by the fund's manager; and**

14 **WHEREAS, the Amendment to the Agreement will provide the fund manager with additional**  
15 **investment alternatives, which will allow the portfolio to better manage risk and**  
16 **preserve the principal; and**

17 **WHEREAS, the Agricultural and Natural Resources Committee has reviewed the Amendment to**  
18 **the Agreement and recommends that the Amendment to the Agreement be presented**  
19 **to the full Legislative Council for decision.**

20 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it approves**  
21 **the Amendment to the Agreement substantially in the form attached hereto and**  
22 **authorizes and directs the Chairman of the Nation to execute it and any related**  
23 **documents reasonably necessary to implement the Amendment to the Agreement.**

24 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12<sup>TH</sup> Day**  
25 **of SEPTEMBER, 2011 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0-**  
26 **AGAINST; [01] NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by**  
27 **Section 1 (f) of Article VI of the Constitution of the Tohono O'odham Nation, adopted by the Tohono**  
28 **O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**  
29 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**  
30 **Stat. 984).**

31  
32 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

33  
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36 **Timothy Joaquin, Legislative Chairman**

37  
38 22 day of September, 2011  
39

**RESOLUTION NO. 11-412**

**(Approving Asarco Mission Mine Amendment to Settlement Agreement)**

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**ATTEST:**

Winnell  
**Evonne Wilson, Legislative Secretary**

21 day of September, 2011

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 22 day of September, 2011 at 11:01 o'clock, A.M., pursuant to the provisions of Section 4 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**

Timothy Joaquin  
**Timothy Joaquin, Legislative Chairman**

**APPROVED** on the 22 day of September, 2011

**DISAPPROVED** at 1:37 o'clock, P.M.

Ned Norris, Jr.  
**NED NORRIS, JR., CHAIRMAN**  
**TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 22 day of September, 2011, at 2:00 o'clock, P.M.

Winnell  
**Evonne Wilson, Legislative Secretary**

ACTION: APPROVING ASARCO MISSION MINE AMENDMENT TO SETTLEMENT AGREEMENT

MOVED: COUNCILWOMAN FRANCES CONDE

SECOND: COUNCILWOMAN OLIVIA VILLEGAS-LISTON

DATE: SEPTEMBER 12, 2011

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	171.0	X			X
CHUKUT KUK 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X			
	2. BILLMAN LOPEZ ( )	151.10	X			
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN (Rose Johnson Antone)	122.45	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45	X			
GU VO 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X			
	2. PAMELA ANGHILL ( )	113.35	X			X
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ( )	93.15	X			
PISINEMO 200.7	1. CHESTER ANTONE <i>(Absent)</i> (Tony Murrietta) <i>(Present)</i>	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X		X	
SAN LUCY 204.6	1. LORRAINE EILER ( )	102.30	X			X
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
SAN XAVIER 215.8	1. HILARION CAMPUS ( )	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X			
SCHUK TOAK 169.8	1. FRANCES B. CONDE (Anthony J. Rios)	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
SELLS 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85	X			
	2. EVELYN B. JUAN MANUEL ( )	237.85	X			
SIF OIDAK 211.9	1. NICHOLAS JOSE ( )	105.95	X			
	2. MARY LOPEZ ( )	105.95	X			X
<b>TOTAL</b>		<b>2,780.60</b>	<b>2,780.60</b>	<b>-0-</b>	<b>[01]</b>	<b>[04]</b>