

ETSKA NAV AH PAI THE NEWS CARRIER

**QUECHAN NEWS**

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ETSKA NAV AH PAI THE NEWS CARRIER  
**QUECHAN NEWS**

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# Public Meeting Vote: Election Is Vacated

Thirty-eight days after the Quechan Election Board posted their unofficial election results at the Tribal Administration Building, the results of another vote taken in an open public meeting at the Quechan Community Center has rejected the validity of last December's general election.

Ex-Tribal Council member Emilio Escalanti had insisted on the public forum after he had written a letter to the Election Board on December 10th, alleging the Board had failed to follow both the letter and the spirit of the Tribe's Election Ordinance when they provided the Tribal Council with information on a possible candidate for office from a 2007 election before that candidate had his certification approved for last year's contest. Mr. Escalanti said that in passing over the established procedure of having the Tribal Council certify a candidate through verifying that the candidate is an enrolled member, of age to qualify for the office and a resident of the Fort Yuma reservation and *then* passing that candidate's qualifications on to the seated Election Board for *them* to conduct



**Once Tribal members had shown their enrollment cards to the Election Board Marshall charged with certifying their identities from an enrollment list, they turned to receive a packet of letters containing communications between candidate Emilio Escalanti and the present Election Board. The contents of those letters were the main subject of discussion at last week's Open Public Meeting.**

Photo by William Isbell

a complete background investigation and determine the candidate's full eligibility for placement on the ballot, the process was circumvented by a request from a Council member (passed through the Council Secretary to the Election Board) asking for any past information on that candidate held in files at the Election Board Office *prior* to the Council's certification hearing for that candidate.

Rather than answering Mr. Escalanti's charges in a public hearing, the Board is then alleged to have attempted to hold

private meetings with only Mr. Escalanti present, to explain their decision and work out a solution between them.

Repeated communications from Mr. Escalanti, contained in a packet of letters passed out to everyone in attendance before last week's public meeting show his increasing frustration as the Board continued to avoid addressing his complaints in public, as required when election results are being contested.

"This is a public matter, and the public has a right to know," he said. Once he brought the

matter to the attention of the Tribal Council in late December, and showed them his packet of letters, the Council agreed that the grievance should be aired in public, as required by the Tribe's Election Ordinance.

The 168 Tribal members assembled at the meeting opened the meeting by voting for Dan Golding to act as chairman of the discussion, and he moderated the entire proceeding once that vote was settled.

In the course of the meeting, Election Board members admitted they provided old information from the 2007 election at the time the Council member requested it, prior to the Council's vote to approve that candidate for inclusion on the ballot.

The matter then came down to 2 questions which would be settled in a vote, with the Tribal members present voting "for" each question by standing, while Mr. Golding and Mr. Escalanti then counted those voting, to settle the issues.

Issue number one was: Is there evidence of misconduct on the part of the Election Board in their handling of last December's General Election?

**Continued on Page 2**

# New Emergency Assistant at the QPD

## Rosario Zavala

On the job since early November of 2010, Rosario has already begun work on an Emergency Operation Plan for the Quechan Police Department.

Quechan Tribal Police Photo



A new position has been created at the Quechan Police Department (QPD) to assist in the coordination of efforts at Fort Yuma in the event of a large scale emergency.

Rosario Zavala has been hired as the Tribe's new Emergency Assistant at the QPD, through grant funding applied for by Chief Badilla. Her job will be to coordinate a comprehensive emergency response for the Fort Yuma Indian Reservation with the Tribe's Emergency Management (EM) Director, Melvin Miguel. This will insure that all emergency responders, both within the QPD, and those Tribal employees (such as Casino Security, Tribal Security, Facilities Maintenance, Utilities and others) called upon to assist in an emergency will all be "on the same page" when it comes to setting up perimeters, limiting access and evacuating victims under a pre-arranged chain of command.

"My first priority is to finish up my certification training," she tells the *Quechan News*.

"I have about 3 computer courses to complete for the National Incident Management System (NIMS) through the Emergency Management Institute with FEMA. I still have a

In the meantime, she has already started working on an Emergency Operation Plan for the QPD. She meets with Mr. Miguel from time-to-time, to be sure those plans agree with the plans, standard operating procedures and guidance he is developing as the Tribe's Safety Officer and Emergency Management Director for all the Tribal departments.

"I also encourage all Quechan Tribal employees to complete any emergency certifications they may be lacking through the FEMA website," she says.

To do so, access the websites listed below. The second website is known as ERMA, or Event Registration and Management Application.

Once logged on, you can look for trainings available, which are totally free. Here are those web addresses:

<http://training.fema.gov/IS/NIMS.ASP>

And: [http://www.erma.az.gov/stars/Lookup\\_EIN.asp?NewAccount=true](http://www.erma.az.gov/stars/Lookup_EIN.asp?NewAccount=true)

Rosario and her husband Alberto moved from California to raise their family. She has two grandchildren; a 6 year old boy and a 15 month old baby girl. Her time off is usually spent enjoying

couple of local training sessions in March or April to attend, which will take care of the initial training I need for now."

her grandchildren, taking pictures and playing with them both.

Rosario retired from the Arizona Department of Economic Security after 20 years of state service. She also worked for the Arizona Family Assistance Administration, the Jobs Program and most recently for the Arizona State Rehabilitation Service Administration.

Her new position is responsible for establishing schedules and methods of planning, training, development and testing of major emergency and bio-terrorism responses for the QPD.

The Chief will also have her assist in the preparation of program documents and applica-

tions for federal and state funds, as well as providing coordination of agency reports on those grants, while providing status reports on the progress of those plans to the Chief of Police, according to set deadlines.

As the Emergency Assistant assigned to the QPD, she works out of the Quechan Police Department building on Indian Hill, right next to the water tower. She can be reached there at (760)572-2933, Extension 102.

She will soon be working with the Tribe's EM Director to coordinate training of Police Officers in emergency and the mobile field force command of the QPD. Together, they will pre-

pare and recommend adoption of inter-governmental agreements, mutual aid agreements, and letters of understanding with other public jurisdictions, special districts, and private organizations for emergency response. As they develop those plans, Rosario will report back to the Tribe's Chief of Police, Tony Badilla, to keep him fully informed of developments.

They will also order additional personal protective gear and equipment needed to respond to chemical leaks, fires and other situations. Mr. Miguel and Mrs. Zavala must also provide the training for all associated gear/equipment.

## Election Vacated

*Continued from Page 1*

Issue number two: If there is evidence of misconduct by the Election Board, does that require we set aside the results of that election, and have the Tribal Council schedule a new election?

Shortly before the Tribal members present were polled, discussion also took place on the question of perhaps also voting to disband the current Election Board if they were found to have engaged in misconduct. However, the meeting chairman then read a section of the Tribal Constitution aloud to the assembly, showing that only the Tribal Council has the authority to appoint and remove Election Board members.

With that settled, the vote was held.

On the first question, 133 adult members of the Tribe stood to be counted in favor of the decision that the Election Board *did* engage in misconduct by passing on confidential information at the request of a Tribal Council member, prior to conducting their own background investigation of a candidate; neither did the Board follow procedure in attempting to settle disputes with three candidates in private discussions after the election, rather than public meetings as required by ordinance. No one stood to vote against that decision.

On the second question, the

count was 132 to 2, with the public finding that in light of that misconduct, last December's General Election results *must* be vacated, and a new General Election held.

It was also the consensus of the Tribal members present that ballots must be of a better, less confusing design, and that the next Election Board *must* give clear instructions to each voter that the line marked "Write in candidate" is reserved for the name of any person not listed a voter may wish to vote for.

In any case, the Election Board prepared their resignations the following day, and the Council then met on a Resolution accepting their removal.

On Friday, January 14, at a Special Meeting of the Quechan Tribal Council, that Resolution was unanimously approved.

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*Have a story idea, or an event you want covered?*

**Quechan News** is here to cover the special events and everyday lives of Quechan Tribe Members, and the issues that affect you in the world today. This newsletter is here to keep the lines of communication open, to expand opportunities, and uplift the Native Spirit of the *Kwat'san Pipá*. Your ideas and input are welcome!

Just call the **Quechan News** office Monday through Friday at (760) 572-3912, or email your stories and story ideas to [w.isbell@quechantribe.com](mailto:w.isbell@quechantribe.com). I'm looking forward to hearing from you!





# Culture & Heritage

## Braves Running Club Encourages Quechan Heritage of Running



**Students run over a set, measured course with others in their grade,** and pick up a popsicle stick from Joanna Herrera (and other assistants assigned to each grade) for each lap they complete. At the end of their morning run, kindergarten students surround a pickup which has canvas bags with a slot for each student's collection of sticks. At the end, SDPI Walk Coordinator Rosie Herrera counts the sticks in each student's slot, keeping track of their individual progress. Every 16 laps equals a mile.

QUECHAN NEWS Photos by William Isbell

Throughout the historical period, the Quechan Tribe was known all over the southwest for their running ability and amazing endurance. Yet as life has become more comfortable and automobiles more numerous, even people so well adapted to life in the desert heat as the Quechan are becoming more sedentary, as running as a way of getting around becomes less and less common.

But what if there were some way to bring back the excitement and pleasure you feel at the end of a run by getting the youngest members of our community into the running habit, so that it once again becomes a common, everyday experience? While that would be a good thing in its own right, there is also the added benefit of exercise to consider. If everyone at Fort Yuma got in the habit of taking a run first thing every morning, just think what

that could in fighting the scourge of diabetes!

That's what the employees of the Diabetes Wellness Center had in mind when they continued the running program they successfully integrated into the daily routine of local elementary students last year.

Now known as the *SDPI Braves Running Club*, the group meets every day at the San Pasqual Elementary School to encourage the kindergarten through fifth grade students to keep active and develop a life-long love of exercise through incentives and encouragement.



**Every morning at San Pasqual,** hundreds of kids line up and wait for the signal to start running, as they each try to pile on the miles!

Though the Braves Running Club closely follows last year's program in some respects, it provides greater incentives for the kids taking part to increase the perception of reward they get in running. After all, it's one thing to tell the other kids you've run 100 miles over the course of a year, but when you've got a stack of rewards to provide tangible evidence of your achievements, that's another thing altogether!

Students in each grade still run around a measured course marked by little traffic cones set 165 feet apart. Each lap around the cones covers at least 330 feet, so 16 trips equals a mile.

And as the miles pile up, the rewards increase every ten miles!

Heres what a student can pick up over the course of a year, simply by going out and taking a few laps every morning before class begins:

At 10 miles – A pencil, sticker

and a motivational bracelet;

20 miles – A punch ball, sports bracelet and a Frisbee;

30 miles – A jump rope, hacky sack and a sports keychain;

40 miles – A water bottle;

50 miles – A baseball cap with the SDPI Braves logo;

60 miles – A sport drawstring backpack;

70 miles – A bath towel with the SDPI Braves logo;

80 miles – A T-shirt with the SDPI Braves logo;

90 miles – A soccer, football or basketball of their choice, and

At 100 miles – The staff is working on getting bicycles donated for the kids who get that far before the school year ends.

Last year, even without winning a bike for plugging along over 100 miles, nine students made that (literal) milestone! Just imagine how well they'll do if they know a brand new bike is waiting for them at the end!



# QPD Officers Recognized for River Rescue

A pair of Quechan Tribal Police (QPD) Officers received statewide recognition on December 7th last year during a ceremony dedicated to recognizing the outstanding achievements and services of the Tribal Law Enforcement and Corrections personnel.

Officers Jarrell Brown and Juan Rodriguez were presented with life saving awards by the Indian Country Intelligence Network (ICIN), on behalf of the Inter Tribal Council of Arizona. The occasion was the Annual ICIN Awards Ceremony, held in Phoenix at the Heard Museum.

In nominating the Officers for the award last November, QPD Chief Tony Badilla told the story this way:

On May 30, 2010, just before noon, Officer Brown was patrolling a remote area of the Colorado River on the Quechan Reservation when he heard a female



**Quechan Tribal Police officers** Juan Rodriguez and Jarrell Brown hold up the Lifesaving Award plaques they received from the Indian Country Intelligence Network on December 7th. With them (in the center) is QPD Sergeant James Jackson. Photo Courtesy of Alexandria Brown

voice yelling that someone was in need of assistance. However, since the area is overgrown with vegetation he wasn't able to see the people in distress.

As he searched about the

river bank, he came in contact with a woman who told him a family was rafting on the river when they over turned and they weren't able to get to the bank due to the current.

Officer Brown then returned to his vehicle, got on his radio and requested assistance from several other agencies. Even though he couldn't see her through the thick "toolies" along the riverbank, Brown could hear the woman saying they were clinging to brush and she was holding her small child in her arms.

Fortunately, Officer Brown's patrol car had recently been equipped with a "Rescue Disc", which he quickly removed from the trunk to take with him as he went back down to the riverbank to try once again to locate the woman and her child.

After wading through the thick underbrush and forcing his way to the river's edge, Officer Brown found a man and a woman holding a small child clinging to the brush. They were all in distress from the river current. He then threw the disc to

them and was able to pull them to shore.

In the meantime, Officer Rodriguez arrived to clear a path through the brush in order to get the victims clear of the river.

A fourth person on the overturned raft had floated further down the river and Officer Rodriguez ran down to keep track of him, where Rodriguez was able to rescue him with the assistance of fire personnel who had arrived in answer to Brown's original radio call.

"Although they were assisted by other agencies," says Chief Badilla, "the quick actions of Officer Brown and Officer Rodriguez allowed the subjects to be moved to a safer location where they could be accessible and out of the strong currents. This allowed time for the fire department's water rescue team to arrive and assist them." The ICIN obviously agreed!

## New Patrol Vehicles, Courtesy of DHS Grant Funds

If you pay attention to such things, you've probably noticed the Quechan Police Department (QPD) driving around the reservation since the start of the holiday season in brand-new vehicles, with exciting new graphics down the sides.

Those new vehicles were provided through funding from several grants awarded by the United States Department of Homeland Security (DHS) during 2010 to allow the Tribe to assist with nationally important missions along the border.

The funds provided for the purchase of four new vehicles. All four were ordered with their manufacturer's police equipment packages, which include emergency lights, radios and prisoner cages. Two of the ve-

hicles are 2010 Ford F-150 4X4 crew cab pickup trucks and the other two are 2010 four wheel drive Chevrolet Tahoes.

One Ford F-150 and one Tahoe were purchased with funds provided by the Arizona Department of Homeland Security through the Operation Stone Garden Program. The second Ford F-150 was purchased through a DHS Tribal Grant.

The final vehicle, the other Chevy Tahoe, was funded by the Border Security Enhancement Program of the State of Arizona. Both of the "Stone Garden vehicles" provided by the DHS are only permitted to be used for federally funded overtime in which officers work specially assigned overtime details to combat border related crimes,



**QPD officers John McKinley and Kirk Nerva** stand alongside two of the new vehicles provided to the Quechan Tribe through grants from US Department of Homeland Security: a brand new Ford F-150 4X4 crew cab truck and a 2010 4X4 Chevy Tahoe. QPD Photo Courtesy of Chief Tony Badilla

such as drug and alien smuggling along the international border between Mexico and the Quechan reservation.

The other two new vehicles are now in the patrol fleet and

are used on a daily basis.

Since the new vehicles were placed into service, the QPD has transferred one of their now surplus 2000 model year Ford Crown Victoria patrol vehicles

to the Quechan Tribe's Security Department.

The other Crown Victoria is now being used by the emergency management assistant assigned to the QPD.



**The Quechan Indian Tribe is seeking  
Three (3) Tribal Members to serve on the  
Quechan Enrollment Committee  
and One (1) Tribal Member to serve on the  
QTDHE Board of Commissioners**

If you are interested in serving your community  
in either of these positions,  
please submit a Letter of Interest to  
Georgina Massey, Tribal Council Secretary,  
at the Tribal Administration Office



## ***Diabetes 101 Now Offered***

**From Deborah Drumel RD, CDE  
Fort Yuma Indian Health Service**

Diabetes education is important for all persons with diabetes who want to achieve successful health goals. Staying healthy when you have diabetes depends upon self-management. Diabetes education is based on learning the skills and gaining the confidence you need to make the right choices day to day. The importance of patient participation in an education program is critical to the treatment outcomes of diabetes.

Although diabetes is serious, people with diabetes can lead, full, productive lives. With proper care, diabetes complications can be prevented or delayed.

Fort Yuma Indian Health Center is now offering Diabetes 101. This class is ideal for people who are newly diagnosed with diabetes, or who have had diabetes for years, or who have pre-diabetes or family members who would like to learn more about diabetes. Participants in this class will learn about the basic skills needed to control diabetes. Topics to be discussed include:

- » **What is type 2 diabetes?**
- » **How to control diabetes**
- » **Meal planning**
- » **Healthy habits to avoid complications**

Diabetes 101 will be offered the 3rd Thursday afternoon of each month. Start the New Year off right and join us:

**Thursday January 20, 2011  
Class Meets from 1:30 PM - 4:30PM  
Fort Yuma Indian Health Clinic  
Multipurpose Room**

To register for this class, call the IHS Appointment Desk at 760-572-4149 or Deborah Drumel at 760-572-4160

# ***New Operations Manager In Place at Quechan Utilities***

The new Utilities Operations Manager for the Quechan Tribe comes to his position through service in the Marine Corps and years of on-the-job experience.

He grew up in the city of Cambridge, Ohio, attending their high school of the same name, where he was active in both football and wrestling throughout his four years there. Once he graduated, like many young men looking to learn a trade and gain valuable experience, Mr. Cain joined the Marine Corps.

During his 4 years of service, he trained to become an Aircraft Engine Mechanic on the AV-8B Harrier. Being attached to a Harrier Squadron, he found himself stationed in Yuma in 1993, where he was eventually honorably discharged with the rank of E-4 (Corporal).

It was while he was in the service in Yuma that he met his wife Beatrice, whom he has been married to for 16 years. They have a 15 year old daughter and a 10 year old son who are both very active in sports.

After being released from the service a thousand miles from home, he began to look for work and found his first post-Marines

job at the State Prison near San Luis, where he spent 2 years as a Correctional Officer.

But that job wasn't exactly what Mr. Caine wanted to do for the rest of his life, so he began to look for something that would provide him with both responsibility and more freedom to make his own decisions.

That search lead to his becoming the Warehouse Coordinator for Desert Depot, in charge of operations at their 112,500 sq. ft. agricultural chemical warehouse. After four years in that position, he was promoted to General Manager, where he remained for another 4 years.

During his 8 years at Desert Depot, he was able to help them expand their Yuma warehouse operations more than 150%, to 272,000 sq. ft. through a combination of both new construction and lease agreements.

He then moved up to be the Production Manager at Arizona Electrical and Process Systems (AEPS), a multi-divisional con-

### **Robert Cain**

Though he comes from Ohio, Robert Cain has lived and worked in Yuma since coming here as a Marine in 1993.

QUECHAN NEWS Photo by William Isbell



tractor with Electrical, Air Conditioning & Ventilation, Automation and Mining Divisions.

But, as sometimes happens, AEPS eventually went out of business, so he moved on to spend three years as a project manager for Riverside Environmental Services, Inc. (RESI). His projects included lead and asbestos abatement, re-vegetation, water sampling and water treatment. Most of what he worked on at RESI was either government or tribal projects.

Now that he is in charge of Operations at the Quechan Utilities Department, he says his main goal is to provide a high level of service to all customers and ensure that all Utilities are functioning at their best.

Utilities customers can contact him at the utilities office daily or by calling his cell phone at (928) 920-4238.

## ***Community Garden Update***

Progress on the SDPI Community Garden at the *Anya Nitz Pak* (Sunrise) Park continues, with the working committee members having agreed on a layout for the planting beds.

With the design approved, specially treated redwood lumber, resistant to insect, rot and moisture damage has been purchased and delivered to the Construction Trades class at San

Pasqual High School. There, a group of about 40 students will use the drawings prepared by Dean Cain, a science teacher at Kofa High, as San Pasqual's "shop" teacher, Jim Hesprich, helps them gain hands-on experience as they measure, mark, cut and assemble the border boxes.

The planting bed borders will be built in a "knocked-down" kit

form to enable easy assembly when the Construction Trades class travels to the park in late January or early February to install them.

A tour of the Garden is currently in the works, so if you'd like to get a look, watch for the flyers. SDPI staff will inform the community on the date of the tour, once they have everything in place.



“New Year New You” Continues

Second Quarter School Awards Set For Friday, January 28



Participants lined up for a full battery of measurements, including height, weight, blood glucose levels and a quiz on their frequency of exercise. Once all those items were filled in, Sandy Palone (at right) performed a body density test to discover each persons' percentage of body fat and their water retention levels. Those numbers form the baseline for improvement at the end of the challenge.

QUECHAN NEWS Photos by William Isbell

The Quechan Diabetes Wellness Center has already held the first of 3 “New Year — New You” Fun Runs at the weight loss program’s kick-off.

This year, the SDPI’s annual 10-week “body fat challenge” began with a complete regimen of tests to discover each participant’s history and susceptibility to diabetes, as well as their individual ages, heights and weights, and body fat content.

They also had their baseline calf, bicep, waist and other measurements taken before beginning the first of three runs in a new “Triple Crown Series” at the Diabetes Walking Park on January 8th.

The next run in this winter’s “Triple Crown” event will be the “Love Runs Wild” run, also at the Diabetes Park on Saturday, February 12 beginning at 9:00 AM. Everyone who runs in all three of the “Triple Crown” runs will be awarded with a special “Triple Crown” T-Shirt, no matter how well they do (or don’t!) in the weight loss challenge.

The annual challenge is open to anyone qualified to use the Wellness Center, both Tribal members and employees. The weights and body fat index numbers recorded by the Wellness Center staff are now on file to help judge the winner.

As the participants work on getting their post-holiday weight off, those initial measurements will be used to keep track of their progress.

The Diabetes Wellness Center staff welcomes you to come take part in this new fitness challenge, and helping you attain your goals. For more information, please contact the Wellness Center at (760) 572-4057.

## New Walking Club Being Formed

Always ready to encourage activity and promote healthier lifestyles, the Quechan Special Diabetes Project for Indians (SDPI) has added a new walking club for those who want to get some exercise in a non-gym setting. It will be especially helpful for those who want to get outside and exercise, but don’t have either the interest or physique for running.

Rosie Herrera, Walking Coordinator at the Diabetes Wellness Center has set it all up.

The walking club will hold their first group walk next Monday, January 24th, 2010.

The walking club will set out on their walks every week until the hot weather sets in. They will meet four evenings a week, Monday through Thursday at the Diabetes Walking Park from 5:30 pm to 7 pm.

The Club is for all ages and fitness levels. Participants can accumulate mileage to earn prizes such as t-shirts and water bottles. It also allows participants to exercise without feeling the need to compete, by walking with a group their own pace.

The San Pasqual Valley Unified School District has tentatively scheduled an awards assembly to recognize student achievement in the second quarter of this school year for Friday of next week, January 28th. The all-classes assembly will take place in the school cafeteria, and parents are invited to come down and show their support for their family scholars.

Lisa Mendenhall, the elementary school administrative secretary, sent over a list of their top students for the first quarter, which ended in November. The top elementary students’ names are printed below.

Students are recognized for a variety of achievements at the end of each quarter. There are awards for perfect attendance, turning in 100% of their homework assignments, reading, math, language arts, spelling and citizenship in addition to “students of the quarter” awards.



SAN PASQUAL  
ELEMENTARY

Students of the Quarter  
FOR THE FIRST QUARTER  
OF 2010/2011

### Kindergarten

Peter Sanchez Garcia  
Nohelia Millan Bogarin  
Perla Martinez  
Ryan Herrera  
Jasmine Slaughter  
Gilbert Menta

### First Grade

Yadhira Blanquet  
Brandon Duffey  
Sarai Martinez  
Aaron Nunn

### Second Grade

Luke Porter  
Emily Guinn  
Judith Castillo  
Cyprus Comet  
Ciara Gilbert  
Marley Barker  
Abel Paz  
Faith McKinley

### Third Grade

Kaleb Cota  
Mary Amador  
Benjamin Alfarue  
Raynessa Zuniga  
Thai Ruiz  
Kailyn Mailit  
Angelo Palone  
Breeanna Owens

### Fourth Grade

Layla Velasquez  
Noel Banuelos  
Freddy Villanueva  
Aracely Aquino-Valdez

### Fifth Grade

Luis Palomera  
Irie Mandujano  
Angelina Garcia  
Jayna Owens  
Daizia Rodriguez  
Delphina Velarde



# Cobell Settlement Further Delayed by Lawyers' Demands

The historic *Cobell v. Salazar* settlement, providing for pay-outs totalling \$1.5 billion to individual Indians to resolve decades of mismanagement by the Interior Department of Indian trust monies, is continuing to drag on with no resolution in sight. Negotiated by the Obama administration, last year, the settlement is yet to be approved by U.S. District Court Judge Thomas Hogan.

Now, even though the negotiated settlement outlines a cap of nearly \$100 million to settle the attorneys' fees, lawyers for the Indian plaintiffs in the *Cobell* settlement have returned to court to argue that the millions they are scheduled to receive is not enough! According to papers filed with the Court on December 14, \$100 million is less than half of what the plaintiffs' lawyers think they should be receiving under a previous arrangement.

The lawyers contend for now that "fair compensation" would be closer to \$223 million – which will leave far less for the Indian beneficiaries they represent. The lawyers calculated that amount by referring back to a contingency fee arrangement they'd hoped to implement before the agreement with the Obama administration was announced in December of 2009.

In the 13 months since that announcement, Congress has debated and delayed providing the funds required to fulfill the terms of the settlement at least five times, with Eloise Cobell, the named plaintiff in the suit finally extending resolution of the settlement agreement through October 15th of 2010.

Judge Thomas Hogan issued

his preliminary approval of the \$3.4 billion settlement only a few days before Christmas, on December 21st of last year. As soon as the Court resumed business after the holiday break, the plaintiffs' lawyers filed the new amendments saying the fee structure is "at odds with the executed fee agreements and controlling law."

The lawyers said they intend to ask for \$99.9 million in fees, so their arguments appear aimed at getting the presiding judge to not go below that amount. The plaintiffs named in the original suit are also seeking reimbursement for expenses totalling approximately \$10.5 million in addition to the incentive award.

Lawyers representing the Obama administration have already filed a response, saying the plaintiffs' latest filing was "defective and not in compliance with the letter or spirit of the Settlement Agreement that the parties jointly submitted on December 10, 2010, for the Court's consideration and preliminary approval."

Last fall, the *Cobell* lawyers made a strong case that they deserved the money after some members of Congress began to make the case that the fees should be reduced. Lead plaintiff Eloise Cobell has also said she thinks the lawyers should receive a substantial payment, because if they don't, future lawyers may not want to take on important cases on behalf of Native Americans.

The current agreement says Cobell should receive an incentive award of \$2 million while three other named plaintiffs should receive between \$150,000 and \$200,000 as a

bonus for their role. Meanwhile, other Indians with a stake in the case have argued that the amount set aside for the attorneys is already too much, especially considering that many class members – those who have actually suffered due to the Interior Department's negligence – would receive less than \$2,000 under the plan. Historical class members could receive only about \$1,000 each, according to published estimates.

The Interior Department has lost track of some beneficiary records, and they also claim to have records that may be in conflict or have old addresses for the beneficiaries on file. Cobell says it may take six months or more to sort and confirm the applications of Indians wishing to be included in that class action.

Even before this latest development, she estimated it would be at least August of 2011 before Indian trust landowners see a dime. All of which has led to increasingly testy comments being posted by Tribal members on internet blog sites covering the *Cobell* story.

One blogger wrote: "Tell [the lawyers] to sue for it! Then everyone will see what sort of "justice" this whole thing has been about. It's been about a select few getting millions under the guise of helping disenfranchised Indian land owners. I hope they get what they want and everything else coming to them as well!" Another wrote: "First injustice by the US Government and now injustice from attorneys and plaintiffs that were supposed to be looking out for us!"

You can receive updates on the settlement at: <https://cert.tgcginc.com/iim/register.php>

## SENIOR CENTER FITNESS FUN!

*Senior Aerobics*  
Every Tuesday and Thursday  
From 5:30 PM to 7:00 PM

*Fitness Agility & Balance*  
On Mondays Starting at 9:00 AM  
And Thursdays Starting at 10:00 AM

*Tai Chi With Tail*  
Every Wednesday Starting at 10:00 AM

Want to know more? Call us at:  
**760-572-0748**

## FORT YUMA INDIAN HEALTH CLINIC

### PUBLIC HEALTH NURSE VACCINE CLINIC:

On Thursday, January 27  
From 3:00 pm – 4:45 pm

At The Public Health Nursing Office  
(In Trailers Behind the Main Clinic)

Pertussis (Whooping Cough)  
Vaccines Are Now Available

– Winterhaven residents –  
For Transportation, Call the Wellness  
Clinic at (760) 572-0753

CLINIC WALK-IN APPOINTMENTS:  
Monday through Friday From 8:00 – 9:00 AM  
Or call for a Nurse Visit  
(760) 572-4147/4149



# New Playground Equipment for "Old Sub"



◀A construction crew from Ramona, California was here last week, assembling and installing all new playground equipment in the Old Subdivision. The new gear was purchase through a grant obtained by the Special Diabetes Project for Indians. At left, they prepare to add the last leg to the frame of a huge climbing structure. ▲In the series above, Doug Lewis, owner of D.A. Lewis Construction, peeled away the protective wrapping of a large climbing structure once they had it assembled. Meanwhile, Gabe Rodriguez was busy putting together a multi-station jungle gym. Another worker, Bob White later joined Gabe in setting up some of the climbing bars for the gym.

QUECHAN NEWS Photos by William Isbell

In the space of three days last week, an entirely new playground was created in the original Quechan housing subdivision, financed through the annual federal grant monies of the Special Diabetes Project for Indians (SDPI) as well as maintenance funds of the Quechan Tribally Designated Housing Entity (QTDHE).

Since a big part of the mission of the SDPI is to encourage exercise, and they've been able to add new exercise equipment for adults at the Wellness

Center over the past year, they felt it was time to do something to help the kids stay active, too.

So this year, they set aside a good portion of their "fitness fund" to buy new playground equipment, and Bob Letendre in Housing agreed to pay for its installation. Once they brought their combined plan to the Tribal Council, the Council members readily agreed to have them go for it!

Once a workforce of TERO workers removed the old playground equipment in early Janu-

ary, a construction crew from D.A. Lewis of San Diego County came over to assemble and install a great selection of brand new, high quality stuff.

Still, even though getting the kids to exercise is a great benefit, Lisa Ball of the SDPI says, "Our main goal is to give the kids a place to play in a safe environment."

They plan to have a grand opening and Family Fun Day including a chili cook off and basketball tournament by March, so keep an eye out for that!



Hector Corral prepares to bolt two arches together as his boss holds things steady.



All of the new equipment was installed near the current basketball court. Each outdoor gym structure is held in place with concrete footings, buried at least 30 inches deep, and surrounded by soft sand.



CRYSTAL GAYLE

THURSDAY, FEBRUARY 17

8 P.M. 121+

QUECHAN CASINO RESORT

star tickets

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