

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving FY 2019 Attorney Contract with the Law Firm of Dentons US LLP)**

RESOLUTION NO. 18-480

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Legislative Council with
2 the power to "employ legal counsel for the protection and advancement of the
3 rights of the Tohono O'odham Nation" and to "consult, negotiate and conclude
4 agreements and contracts on behalf of the Tohono O'odham Nation with Federal,
5 State and local governments and other Indian tribes or their departments,
6 agencies, or political subdivisions, or with private persons or organizations on all
7 matters within the authority of the Tohono O'odham Council." (Constitution of
8 the Tohono O'odham Nation, Article VI, Section 2(a) and Section 1(f)); and

9 **WHEREAS,** the Tohono O'odham Legislative Council is further authorized "to manage any
10 funds within the exclusive control of the Tohono O'odham Nation . . . and to
11 appropriate these funds for the benefit of the nation and its members" provided
12 that "[a]ll expenditures of these funds shall be pursuant to appropriations or
13 budgets" authorized by resolution or ordinance (Constitution of the Tohono
14 O'odham Nation, Article VI, Section 1(d)(2)); and

15 **WHEREAS,** attorney contracts on behalf of the Nation require Legislative Council approval
16 (26 Tohono O'odham Code Chapter 1, Article 4); and

17 **WHEREAS,** the Office of Attorney General requires the legal services of the law firm of
18 Dentons US LLP to provide representation to the Tohono O'odham Nation relating
19 to implementation of the Southern Arizona Water Rights Settlement Act of 1982,
20 Pub. L. 97-293 ("SAWRSA"), as amended in 2004 by the Arizona Water Settlements
21 Act, Pub. L. 108-451 ("AWSA"), and to the negotiation and settlement of the
22 Nation's remaining water rights claims in the State of Arizona ("Comprehensive
23 Water Rights Settlement"), and related legal claims; and

24 **WHEREAS,** the Office of Attorney General has prepared and submitted for review and
25 approval the FY 2019 Attorney Contract with the Law Firm of Dentons US LLP
26 ("Contract"), which is incorporated by this reference; and

27 **WHEREAS,** the Domestic Affairs and Water Resources Committees have reviewed and
28 recommend approval of the FY 2019 Attorney Contract with the Law Firm of
29 Dentons US LLP.

30 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council approves the
31 FY 2019 Attorney Contract with the Law Firm of Dentons US LLP in substantially
32 the form attached for an initial term commencing October 1, 2018 and ending
33 September 30, 2019, and for up to two additional renewal terms, the first
34 commencing on October 1, 2019 and ending September 30, 2020 and the second

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1 commencing on October 1, 2020 and ending September 30, 2021, as provided for
2 in Section 13.A of the Contract.

3 BE IT FURTHER RESOLVED that the initial term of the Contract, commencing on October 1, 2018
4 and ending September 30, 2019, and any renewal terms provided for in Section
5 13.A of the Contract shall be funded by the Tohono O'odham Nation's Southern
6 Arizona Water Rights Settlement Act (SAWRSA) budget.

7 BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council authorizes the Nation's
8 chairperson to execute the Contract, provided that if the Legislative Council fails
9 to appropriate or authorize the expenditure of sufficient funds to provide for
10 payments under the Contract, the Contract shall terminate on the date such
11 funds are no longer available without any termination charges or other liability
12 incurred by the Nation.

13 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07TH
14 day of DECEMBER, 2018 at a meeting at which a quorum was present with a vote of 3,084.6 FOR;
15 -0- AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by
16 Article VI, Section 2 (a), Article VI, Section 1(d)(2) and 1(f) of the Constitution of the Tohono
17 O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by
18 the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant
19 to Section 16 of the Act of June 18, 1934 (48 Stat.984).

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21 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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23 
24 Timothy Joaquin, Legislative Chairman 

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26
27 17 day of December, 2018

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30 ATTEST:

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33 Evonne Wilson, Legislative Secretary

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35 11 day of December, 2018

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37 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
38 O'odham Nation on the 17 day of December, 2018 at 8:45 o'clock, A .m.,
39 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
40 effective upon his approval or upon his failure to either approve or disapprove it within 48
41 hours of submittal.

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43 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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46 Timothy Joaquin, Legislative Chairman 

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APPROVED

on the 18 day of December, 2018

DISAPPROVED

at 9:29 o'clock, A.m.

Edward D. Manuel

EXCEEDED 48 HOURS

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

Returned to the Legislative Secretary on the 18 day of

December, 2018, at 10:46 o'clock, A.m.

Yvonne Wilson for
Yvonne Wilson, Legislative Secretary

ACTION: APPROVING FY 2019 ATTORNEY CONTRACT WITH THE LAW FIRM OF DENTONS US LLP

MOVED: COUNCILWOMAN LUCINDA ALLEN

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: DECEMBER 07, 2018

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 235.8	1. MARY LOPEZ ()	117.9	X			
	2. LUCINDA ALLEN (Yolonda Garcia)	117.9	X			
SELLS 527.2	1. ARTHUR WILSON (Evelyn Juan Mannel)	263.6	X			
	2. ADRIANNE TILLER (Idaleen Reyes)	263.6	X			
SCHUK TOAK 185.7	1. ANTHONY J. FRANCISCO JR. (Teresa F. Donahue)	92.85	X			
	2. QUINTIN C. LOPEZ (<i>Absent</i>) (Agnes V. Joaquin) (<i>Present</i>)	92.85	X			X
SAN XAVIER 232.3	1. DANIEL L.A. PRESTON III (Felicia Nunez)	116.15	X			
	2. JANICE FELIX ()	116.15	X			
SAN LUCY 231.1	1. JANA MONTANA (Diana Manuel)	115.55	X			
	2. GLORIA RAMIREZ (Lorraine Eiler)	115.55	X			
PISINEMO 225.9	1. CHESTER ANTONE (Caroline D. Garcia)	112.95	X			X
	2. MONICA K. MORGAN ()	112.95	X			
HICKIWAN 209.0	1. LOUIS R. LOPEZ (<i>Absent</i>) (Shirley Molina) (<i>Present</i>)	104.5	X			
	2. SANDRA D. ORTEGA ()	104.5	X			X
GU VO 256.9	1. GRACE MANUEL ()	128.45	X			
	2. DALLAS LEWIS (Nacho Flores)	128.45	X			
GU ACHI 270.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	135.45	X			
	2. LORETTA LEWIS (<i>Absent</i>) (Victoria Hobbs) (<i>Present</i>)	135.45	X			
CHUKUT KUK 337.7	1. BILLMAN LOPEZ (Patricia Antone)	168.85	X			
	2. VIVIAN JUAN-SAUNDERS (Juanita Homer)	168.85	X			
BABOQUIVARI 372.1	1. FRANCES MIGUEL (Roberta E. Harvey)	186.05	X			
	2. LEANDER MASE (Francine Schooling)	186.05	X			
TOTAL		3,084.6	3,084.6	-0-	-0-	[03]