

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving an Attorney Contract wit the law firm of Rusing & Lopez P.L.L.C.)

RESOLUTION NO. 02-172

1 **WHEREAS, by Resolution No. 2000-097, the Legislative Council authorized the Nation's Attorney**
2 **General to take such actions as are consistent with the Council's discussion on March**
3 **6, 2000, pertaining to the Coleman Road trespass including, but not limited to,**
4 **seeking legal and equitable relief; and**

5 **WHEREAS, the Operating Budget for the Office of Attorney General for Fiscal Year 2002, as**
6 **approved by the Legislative Council, has sufficient funds for an attorney contract in**
7 **the amount of \$100,000.00 for representation of the Nation in the matters pertaining**
8 **to the Coleman Road trespass; and**

9 **WHEREAS, the Attorney General has proposed an attorney contract with the law firm of Rusing**
10 **& Lopez P.L.L.C., in the amount of \$100,000.00, a copy of which is attached hereto; and**

11 **WHEREAS, the Budget and Finance Committee and the Domestic Affairs Committee recommend**
12 **approval by the Legislative Council of the Attorney Contract.**

13 **NOW, THEREFORE, BE IT RESOLVED THAT:**

- 14 **1. The Tohono O'odham Legislative Council approves an Attorney Contract with the**
15 **law firm of Rusing & Lopez P.L.L.C. in the amount of \$100,000.00 for the period**
16 **from April 1, 2002 through September 30, 2002 and in the form attached hereto.**
- 17 **2. The Tohono O'odham Legislative Council acknowledges and approves Section**
18 **14(B) of the Attorney Contract which includes a limited waiver of sovereign**
19 **immunity for binding arbitration of fee disputes, provided that in no event shall**
20 **an arbitrator (or arbitration panel) be authorized to make an award of interest**
21 **or in an amount which, combined with prior payments to the Attorneys, exceeds**
22 **the contract limitation stated in Paragraph C of Section 3 of the Attorney Contract,**
23 **as that amount may be modified by mutual consent of the parties.**
- 24 **3. Funding for the Attorney Contract shall be provided from the fiscal year 2002**
25 **operating budget of the Office of Attorney General.**
- 26 **4. The Chairman of the Nation is authorized and directed to execute the Attorney**
27 **Contract**

28 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 05th Day**
29 **of APRIL, 2002 at a meeting at which a quorum was present with a vote of 2,417.5 FOR; -0- AGAINST;**
30 **-0- NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by Section 2 (a) of**
31 **Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham**
32 **Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs**
33 **(Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Rita A. Martinez

Rita A. Martinez, Legislative Chairwoman

11th day of April, 20 02

ATTEST:

Julianna Saraficio

Julianna Saraficio, Acting Legislative Secretary

11th day of April, 20 02.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 11th day of April, 20 02 at 1:42 o'clock, P.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.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Rita A. Martinez

Rita A. Martinez, Legislative Chairwoman

EXCEEDED 48 HOURS

APPROVED

on the 15th day of April, 20 02

DISAPPROVED

at 5:06 o'clock, P.M.

Edward D. Manuel

EDWARD D. MANUEL, Chairman

TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 10th day of

April, 20 02, at 8:06 o'clock, A.M.

Julianna Saraficio
Julianna Saraficio, Acting Legislative Secretary

ACTION: APPROVING AN ATTORNEY CONTRACT WITH THE LAW FIRM OF RUSING & LOPEZ P.L.L.C.

MOVED: COUNCILMAN AMBROSE ENCINAS

SECOND: COUNCILWOMAN MARY FLORES

DATE: APRIL 05, 2002

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 317.7	1. FRANCES MIGUEL ()	158.85	X			X
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			
CHUKUT KUK 248.1	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			X
	2. DAVID GARCIA (Mary Audrey Juan)	124.05	X			
GU ACHI 230.7	1. CAMILLUS LOPEZ ()	115.35	X			
	2. ALEX J. RAMON (Jerome Joaquin)	115.35	X			
GU VO 188.3	1. FERN SALCIDO ()	94.15	X			
	2. EMILIO LEWIS (Michael Flores)	94.15	X			
HICKIWAN 167.3	1. SHIRLEY MOLINA ()	83.65	X			
	2. SANDRA ORTEGA ()	83.65	X			
PISINEMO 174.7	1. BARBARA SALVICIO (Alex Antone)	87.35	X			X
	2. PATRICIA CRUZ (Johnson Jose)	87.35	X			
SAN LUCY 160.7	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35	X			X
	2. GLORIA RAMIREZ ()	80.35	X			
SAN XAVIER 184.7	1. TONY ENCINAS ()	92.35	X			
	2. DENNIS RAMON ()	92.35	X			X
SCHUK TOAK 144.5	1. MARY FLORES ()	72.25	X			
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25	X			
SELLS 416.1	1. DENNIS E. JOSE ()	208.05	X			
	2. EVELYN JUAN ()	208.05	X			
SIF OIDAK 184.7	1. ISIDRO LOPEZ ()	92.35	X			
	2. RITA MARTINEZ (Nicholas Jose)	92.35	X			
TOTAL		2,417.5	2,417.5	-0-	-0-	[05]

**PASSED VOTES