

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

RESOLUTION NO. 03-508

1 **WHEREAS, by Resolution No. 02-521, the Nation entered into an Attorney Contract with the law**
2 **firm of Rusing & Lopez P.L.L.C., for representation of the Nation in the matters**
3 **pertaining to the Coleman Road trespass; and**

4 **WHEREAS, the Attorney Contract expired on September 30, 2003; and**

5 **WHEREAS, continued representation is in the interests of the Nation and is consistent with the**
6 **direction of the Legislative Council in Resolution No. 2000-097; and**

7 **WHEREAS, the Operating Budget for the Office of Attorney General for the six-month period**
8 **ending March 31, 2004, as approved by the Legislative Council in Resolution No. 03-**
9 **424, has sufficient funds for an attorney contract in the amount of \$30,000.00 for**
10 **representation of the Nation in the matters pertaining to the Coleman Road trespass;**
11 **and**

12 **WHEREAS, the Attorney General has proposed an attorney contract with the law firm of Rusing**
13 **& Lopez P.L.L.C. (and the associated law firm of Clapham & Curry, P.L.C.) in the**
14 **amount of \$30,000.00, a copy of which is attached hereto; and**

15 **WHEREAS, the Domestic Affairs Committee recommends approval by the Legislative Council of**
16 **the Attorney Contract.**

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

- 18 **1. The Tohono O'odham Legislative Council approves an Attorney Contract with**
19 **the law firm of Rusing & Lopez P.L.L.C. (and the associated law firm of Clapham**
20 **& Curry, P.L.C.) in the amount of \$30,000.00 for the six-month period ending**
21 **March 31, 2004, and in the form attached hereto.**
- 22 **2. The Tohono O'odham Legislative Council acknowledges and approves Section**
23 **14(B) of the Attorney Contract which includes a limited waiver of sovereign**
24 **immunity for binding arbitration of fee disputes, provided that in no event shall**
25 **an arbitrator (or arbitration panel) be authorized to make an award of interest**
26 **or in an amount which, combined with prior payments to the Attorneys, exceeds**
27 **the contract limitation stated in Paragraph C of Section 3 of the Attorney**
28 **Contract, as that amount may be modified by mutual consent of the parties.**
- 29 **3. Funding for the Attorney Contract shall be provided under the authority of**
30 **Resolution No. 03-424 in the operating budget of the Office of Attorney General.**
- 31 **4. The Chairwoman of the Nation is authorized and directed to execute the**
32 **Attorney Contract.**

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 04TH Day of NOVEMBER, 2003 at a meeting at which a quorum was present with a vote of 2,417.75 FOR; 85.15 AGAINST; 126.80 NOT VOTING; and -0- ABSENT, pursuant to the powers vested in the Council by Section 2 (a) 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

for Dennis Ramon, Legislative Chairman

07th day of November, 2003

ATTEST:

Vivian Hedrington
Vivian Hedrington, Legislative Secretary

4th day of November, 2003.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 07th day of November, 2003 at 2:16 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

for Dennis Ramon, Legislative Chairman

APPROVED

on the 12 day of November, 2003

DISAPPROVED

at 1:30 o'clock, P.M.

Vivian Juan-Saunders
VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 12 day of

November, 2003, at 1:52 o'clock, p.M.

Vivian Hedrington
Vivian Hedrington, Legislative Secretary

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

MOVED: COUNCILWOMAN FRANCES ANTONE

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: NOVEMBER 04, 2003

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 192.6	1. ISIDRO LOPEZ (Nicholas Jose)	96.30	X			
	2. DARLENE ANDREW** (Rita Martinez)	96.30	X			
SELLS 465.6	1. DENNIS E. JOSE ()	232.80	X			
	2. EVELYN JUAN ()	232.80	X			
SCHUK TOAK 176.1	1. FRANCES B. CONDE ()	88.05	X			
	2. PHYLLIS JUAN ()	88.05	X			
SAN XAVIER 215.4	1. FELICIA NUÑEZ ()	107.70	X			
	2. DENNIS RAMON ()	107.70	X			
SAN LUCY 166.3	1. JOHN W. LAWSON, SR. ()	83.15	X			
	2. GLORIA RAMIREZ ()	83.15	X			
PISINEMO 175.4	1. BARBARA SALVICIO ()	87.70	X			
	2. PATRICIA CRUZ ()	87.70	X			
HICKIWAN 170.3	1. DELMA GARCIA (Mary E. Sam)	85.15		X		
	2. SANDRA ORTEGA ()	85.15	X			
GU VO 191.4	1. RAYMOND VICTOR ()	95.70	X			
	2. MICHAEL FLORES (Willard Manuel)	95.70		X		
GU ACHI 253.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
	2. JEROME JOAQUIN ()	126.80			X	
CHUKUT KUK 258.9	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X			
	2. VERLON M. JOSE (David Garcia)	129.45	X			
BABOQUIVARI 364.1	1. FRANCES MIGUEL (Lucilda Norris-Valenzuela)	182.05	X			
	2. FRANCES G. ANTONE ()	182.05	X			
TOTAL		2,629.7	2,417.75	85.15	126.80	-0-

**PASSED VOTES