

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving an Attorney Contract with the Law Firm of Rusing & Lopez, P.L.L.C.,
Related to Coleman Road Trespass)

RESOLUTION NO. 04-554

1 **WHEREAS, pursuant to Legislative Council Resolution No. 04-085, the Tohono O'odham Nation**
2 **(the "Nation") entered into an Attorney Contract with the law firm of Rusing & Lopez**
3 **P.L.L.C. (the "Attorneys"), for the purpose of representation of the Nation in**
4 **connection with matters pertaining to the Coleman Road trespass; and**

5 **WHEREAS, the Attorney Contract expired on September 30, 2004; and**

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

8 **WHEREAS, the Attorney General has proposed an Attorney Contract with the Attorneys in the**
9 **amount of \$40,000.00 for Fiscal Year 2005; and**

10 **WHEREAS, the budget of the Office of Attorney General (01-1031-810) has sufficient funds for the**
11 **Contract amount; and**

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

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

15 **1. The Tohono O'odham Legislative Council approves the Attorney Contract with**
16 **the law firm of Rusing & Lopez, P.L.L.C., in the amount of \$40,000 for Fiscal Year**
17 **2005, in the form attached hereto.**

18 **2. The Tohono O'odham Legislative Council acknowledges and approves Section**
19 **15(B) of the Attorney Contract which includes a limited waiver of sovereign**
20 **immunity for binding arbitration of fee disputes, provided that in no event shall**
21 **an arbitrator (or arbitration panel) be authorized to make an award of interest**
22 **or in an amount which, combined with prior payments to the Attorneys, exceeds**
23 **the contract limitation stated in Paragraph C of Section 3 of the Attorney**
24 **Contract, as that amount may be modified by mutual consent of the parties.**

25 **3. Funding for the Attorney Contract shall be provided from the operating budget**
26 **of the Office of Attorney General (01-1031-810).**

27 **4. The Chairwoman of the Nation is authorized and directed to execute the Attorney**
28 **Contract.**

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 21ST Day of OCTOBER, 2004 at a meeting at which a quorum was present with a vote of 2,629.7 FOR; -0- AGAINST; -0- NOT VOTING; and [04] 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

Isidro Lopez
for Isidro Lopez, Legislative Chairman
25th day of October, 2004

ATTEST:

Rosita N. Ruiz
Rosita N. Ruiz, Legislative Secretary
25 day of October, 2004.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 25th day of October, 2004 at 4:54 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

Isidro Lopez
for Isidro Lopez, Legislative Chairman

APPROVED

on the 26 day of October, 2004

DISAPPROVED

at 11:37 o'clock, A..M.

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

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Returned to the Legislative Secretary on the 26 day of

October, 2004, at 2:30 o'clock, P.M.

Rosita N. Ruiz
Rosita N. Ruiz, Legislative Secretary

ACTION: APPROVING AN ATTORNEY CONTRACT WITH THE LAW FIRM OF RUSING & LOPEZ, P.L.L.C., RELATED TO COLEMAN ROAD TRESPASS

MOVED: COUNCILWOMAN FRANCES CONDE

SECOND: COUNCILWOMAN PHYLLIS JUAN

DATE: OCTOBER 21, 2004

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 (Olivia Liston-Villegas)	107.70	X			
	2. DENNIS RAMON (Eleanor Hunter)	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			X
	2. PATRICIA CRUZ ()	87.70	X			
HICKIWAN 170.3	1. DELMA GARCIA (Mary E. Sam)	85.15	X			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 (Roberta Picard)	126.80	X			
CHUKUT KUK 258.9	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X			
	2. VERLON M. JOSE (David Garcia)	129.45	X			X
BABOQUIVARI 364.1	1. FRANCES MIGUEL (Lucilda Norris-Valenzuela)	182.05	X			X
	2. FRANCES G. ANTONE ()	182.05	X			
TOTAL		2,629.7	2,629.7	-0-	-0-	[04]

**PASSED VOTES