

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. 05-677

1 **WHEREAS, pursuant to Legislative Council Resolution No. 04-554, 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, 2005; 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 2006; 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 & Finance Committees recommend approval of the**
13 **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 **2006, 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.**
- 29

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 16TH Day of NOVEMBER, 2005 at a meeting at which a quorum was present with a vote of 2,440.80 FOR; -0- AGAINST; -0- NOT VOTING; and [06] 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

Evelyn B. Juan Manuel
Evelyn B. Juan Manuel, Legislative Chairwoman

22nd day of November, 2005

ATTEST:

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

16th day of November, 2005.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 22nd day of November, 2005 at 5:02 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

Evelyn B. Juan Manuel
Evelyn B. Juan Manuel, Legislative Chairwoman

APPROVED

on the 23 day of November, 2005

DISAPPROVED

at 10:24 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 28th day of

November, 2005, at 8:50 o'clock, A.M.



Lucille Lopez, Acting 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 FELICIA NUNEZ

DATE: NOVEMBER 16, 2005

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL ()	155.40	X			
	2. FRANCES G. ANTONE (<i>Absent</i>) (Lucilda J. Valenzuela (Norris))(Pres.)	155.40	X			
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			X
GU VO 193.1	1. RAYMOND VICTOR ()	96.55	X			
	2. MICHAEL FLORES** (Grace Manuel)	96.55	X			
HICKIWAN 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70	X			
	2. SANDRA ORTEGA ()	83.70	X			
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			
	2. GERALD FAYUANT ()	85.90	X			X
SAN LUCY 169.0	1. JOHN W. LAWSON, SR. ()	84.50	X			X
	2. GLORIA RAMIREZ ()	84.50	X			
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			
	2. OLIVIA VILLEGAS-LISTON ()	96.90	X			X
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X			
	2. PHYLLIS JUAN ()	73.45	X			X
SELLS 421.0	1. DENNIS E. JOSE ()	210.50	X			
	2. EVELYN B. JUAN MANUEL ()	210.50	X			
SIF OIDAK 186.7	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Martinez)	93.35	X			X
TOTAL		2,440.8	2,440.80	-0-	-0-	[06]

**PASSED VOTES