

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. 06-709

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, 2006; and**

6 **WHEREAS, Coleman Road was closed by the Nation on September 29, 2006, but a small amount**
7 **of legal representation is still required to complete the litigation in tribal court and**
8 **to deal with issues relating to the Hayhook Ranch subdivision; and**

9 **WHEREAS, the Attorney General has proposed an Attorney Contract with the Attorneys in the**
10 **amount of \$10,000.00 for Fiscal Year 2007, for the period October 1, 2006 to**
11 **September 30, 2007; and**

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

14 **WHEREAS, the Domestic Affairs and Budget & Finance Committees recommend approval of the**
15 **Attorney Contract by the Legislative Council.**

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

- 17 **1. The Tohono O'odham Legislative Council approves the Attorney Contract with the**
18 **law firm of Rusing & Lopez, P.L.L.C. in the amount of \$10,000 for Fiscal Year 2007,**
19 **for the period October 1, 2006 to September 30, 2007, in the form attached hereto.**
- 20 **2. The Tohono O'odham Legislative Council acknowledges and approves Section**
21 **15(B) of the Attorney Contract which includes a limited waiver of sovereign**
22 **immunity for binding arbitration of fee disputes, provided that in no event shall**
23 **an arbitrator (or arbitration panel) be authorized to make an award of interest**
24 **or in an amount which, combined with prior payments to the Attorneys, exceeds**
25 **the contract limitation stated in Paragraph C of Section 3 of the Attorney Contract,**
26 **as that amount may be modified by mutual consent of the parties.**
- 27 **3. Funding for the Attorney Contract shall be provided from the operating budget**
28 **of the Office of Attorney General (Account No. 01-1031-810).**

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Page 2 of 3

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

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13TH Day of OCTOBER, 2006 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



Verlon M. Jose, Legislative Chairman

16 day of October, 2006

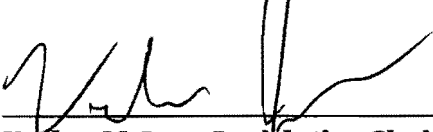
ATTEST:


Lucille Lopez, Acting Legislative Secretary

13 day of October, 2006.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 16 day of October, 2006 at 1:58 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



Verlon M. Jose, Legislative Chairman

APPROVED

on the 19 day of October, 2006

DISAPPROVED

at 11:02 o'clock, a. .M.



VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

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Page 3 of 3

- 1
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Returned to the Legislative Secretary on the 19 day of

October, 2006, at 11:52 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: COUNCILMAN TIMOTHY JOAQUIN

SECOND: COUNCILWOMAN GLORIA RAMIREZ

DATE: OCTOBER 13, 2006

| DISTRICT | LEGISLATIVE REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|-----------------------------|--|-----------------|-----------------|------------|------------|-------------|
| BABOQUIVARI 310.8 | 1. FRANCES MIGUEL (Vernon J. Smith) | 155.40 | X | | | |
| | 2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris)) | 155.40 | X | | | |
| CHUKUT KUK 258.7 | 1. ETHEL GARCIA () | 129.35 | X | | | |
| | 2. VERLON M. JOSE (David Garcia) | 129.35 | X | | | X |
| GU ACHI 221.6 | 1. TIMOTHY L. JOAQUIN (Jonas Robles) | 110.80 | X | | | |
| | 2. CYNTHIA E. MANUEL (Louis L. Johnson) | 110.80 | X | | | |
| GU VO 193.1 | 1. RAYMOND VICTOR () | 96.55 | X | | | |
| | 2. MICHAEL FLORES (Grace Manuel) | 96.55 | X | | | X |
| HICKIWAN 167.4 | 1. DELMA GARCIA (Mary E. Sam) | 83.70 | X | | | |
| | 2. SANDRA ORTEGA () | 83.70 | X | | | X |
| PISINEMO 171.8 | 1. BARBARA SALVICIO () | 85.90 | X | | | |
| | 2. GERALD FAYUANT () | 85.90 | 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 | | | X |
| | 2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez) | 96.90 | X | | | |
| SCHUK TOAK 146.9 | 1. FRANCES B. CONDE () | 73.45 | X | | | X |
| | 2. PHYLLIS JUAN () | 73.45 | X | | | |
| SELLS 421.0 | 1. MARLENE SARAFICIO-JUAN () | 210.50 | X | | | |
| | 2. EVELYN B. JUAN MANUEL (Kimberly Listo) | 210.50 | X | | | |
| SIF OIDAK 186.7 | 1. WAVALENE SAUNDERS (Isidro Lopez) | 93.35 | X | | | |
| | 2. DARLENÉ ANDREW (Rita Martinez) | 93.35 | X | | | |
| TOTAL | | 2,440.80 | 2,440.80 | -0- | -0- | [06] |

**PASSED VOTES