

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving FY08 Attorney Contract with Heidi Norton with the Law firm of DeBERNARDO,**  
**ANTONIONO, McCABE, DAVIS & DeDIANNA, P.C.)**

**RESOLUTION NO. 08-086**

1 **WHEREAS, the Tohono O'odham Advocate Program ("Advocate Program") represented the**  
2 **interests of the natural father and paternal relatives of two Tohono O'odham children**  
3 **in a custody case stayed before the Judicial Court of the Tohono O'odham Nation; and**

4 **WHEREAS, the children are currently in the care of a non-Indian husband and wife in the State**  
5 **of Pennsylvania who have refused to return custody of said children to their Tohono**  
6 **O'odham natural father and paternal relatives; and**

7 **WHEREAS, after having been served with Preliminary Orders of the Tohono O'odham Court by**  
8 **personal service in Pennsylvania, the non-Indian husband and wife have disregarded**  
9 **such Orders and filed for custody in Pennsylvania state court; and**

10 **WHEREAS, the Advocate Program has successfully argued a Motion to Dismiss for Lack of**  
11 **Jurisdiction under the Indian Child Welfare Act and Pennsylvania's Uniform Child**  
12 **Custody Jurisdiction and Enforcement Act, and required local counsel to submit and**  
13 **argue the same in the Pennsylvania state court; and**

14 **WHEREAS, the dismissed Adoption Petition which has been filed in the State of Pennsylvania, is**  
15 **now being appealed by the non-Indian husband and wife; and**

16 **WHEREAS, the Advocate Program wishes to present an attorney contract between the Tohono**  
17 **O'odham Nation and Heidi Norton with the Law Firm of DeBERNARDO, ANTONIONO,**  
18 **McCABE, DAVIS & DeDIANNA, P.C. to represent the natural father and the paternal**  
19 **relatives in the appeal filed by the non-Indian husband and wife; and**

20 **WHEREAS, the Domestic Affairs Committee and the Budget and Finance Committee have each**  
21 **reviewed the contract and recommended its submission to the Legislative Council.**

22 **NOW, THEREFORE, BE IT RESOLVED that:**

- 23 **1. The Tohono O'odham Legislative Council approves the Attorney Contract for Heidi**  
24 **Norton of DeBERNARDO, ANTONIONO, McCABE, DAVIS & DeDIANNA, P.C. in the**  
25 **form attached hereto for the period of October 01, 2007 through September 30,**  
26 **2008 in an amount not to exceed \$4,000.00 total and authorizes the Chairman of**  
27 **the Nation to execute it, and ratifies payment of all amounts due for services**  
28 **performed after October 1, 2007 which have been approved by the Advocate**  
29 **Program Administrator; and**
- 30 **2. Funding for the Attorney Contract for Heidi Norton of DeBERNARDO, ANTONIONO,**  
31 **McCABE, DAVIS & DeDIANNA, P.C. shall be provided under the operating budget of**  
32 **the Advocate Program for fiscal year 2008.**

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 19<sup>th</sup>. Day of FEBRUARY, 2008 at a meeting at which a quorum was present with a vote of 1,917.8 FOR; 444.7 AGAINST; 172.0 NOT VOTING; and [03] 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

*Felicia Munez for*  
Verlon M. Jose, Legislative Chairman

11<sup>th</sup> day of March, 2008

ATTEST:

*Lucille Lopez*  
Lucille Lopez, Acting Legislative Secretary

19 day of January, 2008.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 11<sup>th</sup> day of March, 2008 at 9:31 o'clock, a.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

*Felicia Munez for*  
Verlon M. Jose, Legislative Chairman

APPROVED

on the 11 day of March, 2008

DISAPPROVED

at 5:42 o'clock, P.M.

*Ned Norris, Jr.*  
NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 12 day of

March, 2008, at 8:26 o'clock, A.M.

*Lucille Lopez*  
Lucille Lopez, Acting Legislative Secretary

**ACTION:** APPROVING FY08 ATTORNEY CONTRACT WITH HEIDI NORTON WITH THE LAW FIRM OF DEBERNARDO, ANTONIONO, MCCABE, DAVIS & DEDIANNA, P.C.

**MOVED:** COUNCILMAN TIMOTHY JOAQUIN

**SECOND:** COUNCILWOMAN GRACE MANUEL

**DATE:** FEBRUARY 19, 2008

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (Vernon Smith)	158.45	X			
<b>CHUKUT KUK</b> 264.8	1. ETHEL GARCIA ( )	132.40	X			
	2. VERLON M. JOSE ( )	132.40	X			
<b>GU ACHI</b> 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ( )	113.95	X			
<b>GU VO</b> 199.2	1. GRACE MANUEL ( )	99.60	X			
	2. MICHAEL FLORES ( )	99.60	X			X
<b>HICKIWAN</b> 172.0	1. MICHELLE ORTEGA ( )	86.00			X	
	2. SANDRA ORTEGA ( )	86.00			X	X
<b>PISINEMO</b> 182.4	1. CHESTER ANTONE ( )	91.20	X			
	2. GERALD FAYUANT ( )	91.20	X			
<b>SAN LUCY</b> 181.1	1. LORRAINE EILER ( )	90.55	X			
	2. GLORIA RAMIREZ ( )	90.55	X			
<b>SAN XAVIER</b> 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			X
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			
<b>SCHUK TOAK</b> 154.6	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
<b>SELLS</b> 444.7	1. KIMBERLY LISTO ( )	222.35		X		
	2. EVELYN B. JUAN MANUEL ( )	222.35		X		
<b>SIF OIDAK</b> 194.4	1. WAVALENE ROMERO ( )	97.20	X			
	2. MARY LOPEZ ( )	97.20	X			
<b>TOTAL</b>		<b>2,534.5</b>	<b>1,917.8</b>	<b>444.7</b>	<b>172.0</b>	<b>[03]</b>

**\*\*PASSED VOTES**