

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing Payment for Legal Counsel Fees
in the Amount of \$66,745.63)

RES. NO. 290-90

1 WHEREAS, eight individuals had a grave concern for the well-being
2 of the Tohono O'odham Nation, its members, and its
3 leadership; and

4 WHEREAS, the eight individuals exercised their rights and their
5 indispensable democratic freedom as stated in Article III,
6 Sec. 1 of the Tohono O'odham Constitution, which states,
7 "All Political power is inherent in the people. The
8 government of the Tohono O'odham Nation derives its powers
9 from the consent of the governed and is established to
10 protect and maintain their individual rights." and Article
11 III, Sec. 2, "All members of the Tohono O'odham Nation
12 shall have freedom of worship, speech, press and
13 assembly." and

14 WHEREAS, the Indian Civil Rights Act of 1968 (Title II, Paragraph
15 1) also extends the freedom of speech and the right to
16 petition for redress of grievances as recognized in the
17 United States Constitution; and

18 WHEREAS, the eight individuals, in their petition for redress of
19 grievances, were charged with criminal offenses from the
20 Nation's Chairman; and

21 WHEREAS, some of the eight individuals not only considered it a
22 right, but a public duty as officials of the Tohono
23 O'odham government to promote and maintain the individual
24 rights of members, and as officials, they were acting
25 within their official and representative authority; and

26 WHEREAS, some of the eight individuals employed by the Nation also
27 acted within the scope of their employment; and

28 WHEREAS, the eight individuals incurred legal counsel fees in
29 filing response motions and in preparation for the court
30 hearing; and

31 WHEREAS, the criminal charges were eventually dismissed, due to the
32 Chairman's illness, thereby not providing the opportunity

1 to the eight individuals to respond and defend against the
2 charges; and

3 WHEREAS, the Tohono O'odham Nation established precedence, by
4 providing legal fees for Chairman Angelo Joaquin, Sr. and
5 Max Atwell in the case of Robert Goodnight vs. Angelo
6 Joaquin, etc., et al., (Tohono Tr. Ct. 89-C-4650) as they
7 were charged individually, as well as in their official
8 capacity; and

9 WHEREAS, five of the districts' responses to the Nation, in June
10 and July, also requested for the Chairman's resignation;
11 and

12 WHEREAS, the Tohono O'odham Council on August 10, 1990, by
13 Resolution No. 285-90, also requested for the resignation
14 of Angelo Joaquin, Sr. as Chairman of the Tohono O'odham
15 Nation.

16 NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative
17 Council that it hereby authorizes the sum of \$66,745.63
18 from the Tribal revenue reserve to be appropriated and
19 paid out for legal counsel fees incurred in the defense
20 of the following eight individuals:

	<u>Name</u>	<u>Amount</u>
21		
22	Barbara Chana	\$53,866.91
23	Tony Felix	2,130.00
24	Sharmain Garcia	1,829.82
25	Edward Manuel	3,595.15
26	Flora Manuel	855.00
27	Hilda Manuel	1,743.75
28	Rosita Ruiz	2,725.00
29	Harriet Toro	<u>0.00</u>
30	TOTAL FEES INCURRED:	\$66,745.63


31 The foregoing Resolution was passed by the Tohono O'odham Council
32 on the 10th. day of September, 1990 at a meeting at which a
quorum was present with a vote of 1,102.5 for; 381.5 against;
240.0 not voting; 02 absent, pursuant to the powers vested in
the Council by Section 1 (d) (2) 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


Edward D. Manuel, Legislative Chairman

14th day of September, 1990.

ATTEST:


Teresa M. Choyguha, Legislative Secretary
14th day of September, 1990.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 14th day of September, 1990, at 2:00 o'clock, P.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


Edward D. Manuel, Legislative Chairman

[] APPROVED) on the ___ day of _____, 19___.
[] DISAPPROVED) at _____ o'clock, ___M.

EXCEEDED 48 HOURS

ANGELO J. JOAQUIN, SR., Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 20th day of September, 1990, at 3:15 o'clock, P.M.


Teresa M. Choyguha
Legislative Secretary

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

MOVED: Earl Francisco

SUBJECT: Authorizing Payment for

SECOND: Joann Garcia

Legal Counsel Fees in the Amount

DATE: September 10, 1990

of \$66,745.63

RESOLUTION NO. 290-90

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 229.0	1. Earl A. Francisco (Kenneth Chico, Sr.)	114.5	X			
	2. Joann Garcia (Frances Miguel)	114.5	X			
CHUKUT KUK 163.0	1. Rosita Ruiz (Rosemary Lopez)	81.5	X			X
	2. Kenneth G. Williams (Harriet Toro)	81.5	X			
GU ACHI 166.0	1. Percy Lopez ()	83.0	X			
	2. Alex J. Ramon (Fernando Joaquin)	83.0	X			
GU VO 114.0	1. Cross Antone (Juan Joe Cipriano)	57.0			X	X
	2. Virgil Lewis (Michael Flores)	57.0			X	
HICKIWAN 125.0	1. Lloyd Francisco (Billy C. Manuel)	62.5			X	
	2. Lenora Montana ()	62.5	X			
PISINEMO 119.0	1. Johnson Jose ()	59.5	X			
	2. Edward Manuel** (Alex Antone)	59.5	X			
SAN LUCY 106.0	1. Albert Manuel, Jr. (Max P. Jose)	53.0		X		
	2. John Reno ()	53.0	X			
SAN XAVIER 127.0	1. Eugene Enis. Sr. (Michael Rios)	63.5			X	
	2. Joanne C. Preston (Carmelita Mattias)	63.5		X		
SCHUK TOAK 107.0	1. JoAnn Francisco (David Valenzuela Sr.)	53.5		X		
	2. Joseph Juan (Frances Francisco)	53.5		X		
SELLS 310.0	1. Joseph T. Joaquin (Larry Garcia)	155.0	X			
	2. Andrew Patricio (Daniel Lopez)	155.0	X			
SIF OIDAK 158.0	1. Mary Ann Antone (Nina Jose)	79.0		X		
	2. Willard Juan, Sr. (Melissa Gregorio)	79.0		X		
TOTAL		1,724.0	1,102.5	381.5	240.0	02

**PASSED VOTES