

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending the Attorney Contract with the Law Firm of
Rothstein, Bennett, Donatelli, Hughes & Dahlstrom)

RESOLUTION NO. 92-098

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3 **WHEREAS, by Resolution No. 91-522, the Tohono O'odham Legislative**
4 **Council approved an Attorney Contract with the law firm of**
5 **Rothstein, Bennett, Donatelli, Hughes & Dahlstrom (the**
6 **"Rothstein Firm") to assist the Attorney General in providing**
7 **legal representation with respect to matters associated with the**
8 **operation of Papago Bingo; and**

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11 **WHEREAS, subsequent to the effective date of the Attorney Contract, the**
12 **Rothstein Firm changed the name of its law firm from Rothstein,**
13 **Bennett, Donatelli, Hughes and Dahlstrom to Rothstein, Walther,**
14 **Donatelli, Hughes, Dahlstrom & Cron, which merely reflects an**
15 **expansion of the firm; and**

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18 **WHEREAS, the Attorney Contract with the Rothstein Firm was effective as of**
19 **October 1, 1991, and continues in force until September 30, 1992;**
20 **and**

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22 **WHEREAS, the Attorney Contract with the Rothstein Firm was initially funded**
23 **from an allocation of \$50,000.00 from the approved Operating**
24 **Budget for the Office of the Attorney General, as amended by**
25 **Modification No. 1, which amount has been nearly expended**

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pursuant to the terms of the Attorney Contract with the Rothstein Firm; and

WHEREAS, *the Rothstein Firm continues to provide legal representation to the Nation on several issues associated with the operation of Papago Bingo, and there is a recognized need for the continuing legal services of the Rothstein Firm in connection with the issues arising out of the operation with Papago Bingo; and*

WHEREAS, *the Operating Budget for the Office of Attorney General does not contain any additional allocation of funds to engage outside legal counsel, so that there is a need to identify an alternate source of funding for the Attorney Contract with the Rothstein Firm; and*

WHEREAS, *part of the legal work performed by the Rothstein Firm is to represent the Nation in pending federal court litigation and other matters designed to secure a Tribal-State Compact with the State of Arizona as required by the Indian Gaming Regulatory Act, 25 U.S.C. §2710(d), which effort benefits all parties to the Management Agreement between the Nation and the Manager of Papago Bingo and is therefore a reasonable operating cost of the*

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gaming operation within the meaning of Section 7.1.A of the Management Agreement; and

WHEREAS, *to maximize the resources available to the Nation to obtain legal counsel, it is in the best interests of the Nation to allocate that portion of the professional services which benefits Papago Bingo as an operating cost of Papago Bingo, to retroactively allocate that portion of the professional services incurred to date by the Rothstein Firm which benefits Papago Bingo as a reasonable operating cost of Papago Bingo, and to bill Papago Bingo for that portion of the professional services incurred to date by the Rothstein Firm which benefits Papago Bingo; and*

WHEREAS, *there is a need to identify an additional source of funding for the Attorney Contract with the Rothstein Firm for payment of services pursuant to the contract which cannot be billed as an operating cost of Papago Bingo, which funding can come from the Papago Bingo Revenue Account, Account No. 920004; and*

WHEREAS, *the Attorney General has proposed amending the Attorney Contract pursuant to Amendment No. 1, a copy of which is attached hereto; and*

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**WHEREAS, the Domestic Affairs Committee, the Negotiating Committee, and
the Budget and Finance Committee have recommended approval
of Amendment No. 1 by Council.**

NOW, THEREFORE, BE IT RESOLVED:

- 1. The Tohono O'odham Legislative Council hereby approves
Amendment No. 1 to the Attorney Contract with the
Rothstein Firm in the form attached hereto, and authorizes
the execution of the Amendment by the Chairman of the
Tohono O'odham Nation, and approval thereof by the
Attorney General.**
- 2. The portion of the professional services of the Rothstein firm
which benefits Papago Bingo shall be an operating cost of
Papago Bingo which shall be billed to Papago Bingo as
operating costs, including fees and expenses which the
Nation has paid from October 1, 1991 to date.**
- 3. Additional funding for the Attorney Contract with the
Rothstein Firm shall come from the Bingo Revenue Account,
Account No. 920004.**

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(Amending the Attorney Contract with the Law Firm of
Rothstein, Bennett, Donatelli, Hughes & Dahlstrom)

Said Resolution was submitted for approval to the office of the Chairman of the
Tohono O'Odham Nation on the 16th day of March, 1992, at
3:29 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

Mary Ann Antone
Mary Ann Antone, Legislative Chairwoman

APPROVED on the 18 day of March, 1992

DISAPPROVED) at 9:59 o'clock, A.M.

Josiah Moore
JOSIAH MOORE, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 18th day of March,
1992, at 11:18 o'clock, A.M.

Teresa M. Choyguha
Teresa M. Choyguha, Legislative Secretary

MOVED: COUNCILMAN EUGENE ENISSUBJECT: AMENDING THE ATTORNEY CONTRACT WITH THE LAWSECOND: COUNCILMAN MANUEL OSEQUEDA, JR.FIRM OF ROTHSTEIN, BENNETT, DONATELLI, HUGHESDATE: MARCH 12, 1991& DAHLSTROM

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 163.0	1. Kenneth Williams (Harriet Toro)	81.5	X			
	2. Alberta M. Lopez (Berdella Jose)	81.5	X			
HICKIWAN 125.0	1. Lloyd Francisco (Billy C. Manuel)	62.5	X			
	2. Manuel Osequeda, Jr. ()	62.5	X			
GU VO 114.0	1. Michael Flores	57.0	X			
	2. Emilio Lewis (Anthony Flores)	57.0	X			
SAN LUCY 106.0	1. Albert Manuel, Jr. (Max P. Jose)	53.0	X			
	2. John Reno ()	53.0	X			X
PISINEMO 119.0	1. Johnson Jose ()	59.5	X			
	2. Chester Antone (Fernando Valentine)	59.5	X			
GU ACHI 166.0	1. Alex Ramon (Fernando Joaquin)	83.0	X			X
	2. Willard Anita ()	83.0	X			
BABOQUIVARI 229.0	1. Earl A. Francisco (Kenneth Chico, Sr.)	114.5				X
	2. Frances Miguel ()	114.5				X
SAN XAVIER 127.0	1. Joanne C. Preston (Carmelita Mattias)	63.5	X			
	2. Eugene Enis, Sr. (Michael R. Rios)	63.5	X			
SCHUK TOAK 107.0	1. JoAnn Francisco (David Valenzuela Sr.)	53.5				X
	2. Frances Francisco (Joseph Juan)	53.5				X
SELLS 310.0	1. Joseph T. Joaquin (Larry Garcia)	155.0	X			X
	2. Andrew Patricio (Lucille Encinas)	155.0	X			
SIF OIDAK 158.0	1. Mary Ann Antone (Nina Jose)	79.0	X			X
	2. Willard Juan, Sr. (Delbert Thomas)	79.0	X			
TOTAL		1,724.0	1,388.0	-0-	-0-	336.0 [8]

**PASSED VOTES