

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving an Attorney Contract with the Law Firm  
of Brown & Bain)**

**RESOLUTION NO. 93-074**

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3 **WHEREAS, on January 8, 1993, the Tohono O'Odham Nation and the**  
4 **Chairman of the Nation filed a lawsuit in the Nation's Judicial**  
5 **Court, captioned Tohono O'Odham Nation and Moore v. Bingo**  
6 **Partners et al. (No. 93-C-5483) (the "Tribal Lawsuit"), in which**  
7 **the Nation asserts damage claims and seeks a declaratory**  
8 **judgment that the management contract with Bingo Partners is**  
9 **null and void or terminable for material breach; and**

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12 **WHEREAS, on February 3, 1993, Bingo Partners and the other defendants**  
13 **in the Tribal Lawsuit filed an action in the United States**  
14 **District Court in Tucson, captioned Bingo Partners et al.**  
15 **v. Moore et al. (Civ. No. 93-64-TUC-RMB) (the "Federal**  
16 **Lawsuit"), which names as defendants the Nation, certain**  
17 **officials of the Nation and their spouses, and the Secretary of**  
18 **Interior; and**

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22 **WHEREAS, the plaintiffs in the Federal Lawsuit seek to enjoin further**  
23 **proceedings in the Tribal Lawsuit and assert various damage**  
24 **claims against the named Tribal Officials; and**

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26 **WHEREAS, the law firm of Jennings, Strouss & Salmon has been engaged**  
27 **to defend the Nation, its officials and the officials' spouses in**  
28 **the Federal Lawsuit; and**

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3 **WHEREAS, it is advisable to retain a private law firm to represent the**  
4  
5 **Nation and the Chairman in the Tribal Lawsuit and to**  
6 **authorize the withdrawal of attorneys in the Office of Attorney**  
7 **General who now appear as plaintiffs' counsel of record; and**

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9 **WHEREAS, the law firm of Brown & Bain has been recommended to serve**  
10 **as plaintiffs' attorneys in the Tribal Lawsuit and to provide**  
11 **such advice and representation to the Nation and its officials as**  
12 **may be warranted in the Federal Lawsuit; and**

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

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

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1. **The Tohono O'Odham Legislative Council hereby approves  
an Attorney Contract with the law firm of Brown & Bain in  
the amount of \$150,000 for the fiscal year ending September  
30, 1993 and in the form attached hereto.**
  2. **The Legislative Council appropriates the amount of  
\$150,000 from the Special Reserve Account to pay fees and  
expenses under the Attorney Contract.**
  3. **The Chairman of the Nation is authorized and directed to**

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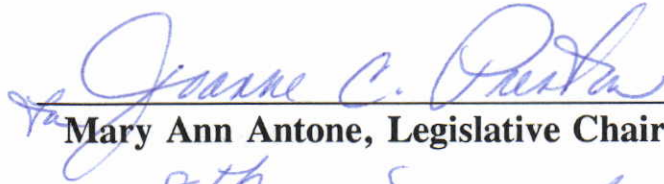
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execute the Attorney Contract.

4. Consent and authorization is hereby given for the attorneys in the Office of Attorney General to withdraw as counsel of record for plaintiffs in the Tribal Lawsuit and for the law firm of Brown & Bain to be substituted as plaintiffs' attorneys therein.

The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 8TH. day of MARCH, 1993 at a meeting at which a quorum was present with a vote of 1,607.5 FOR; 116.5 AGAINST; -0- NOT VOTING; and 05 ABSENT, pursuant to the powers vested in the Council by Section 1 (d)(2) & (3) of Article VI and Section 2 (a) 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).

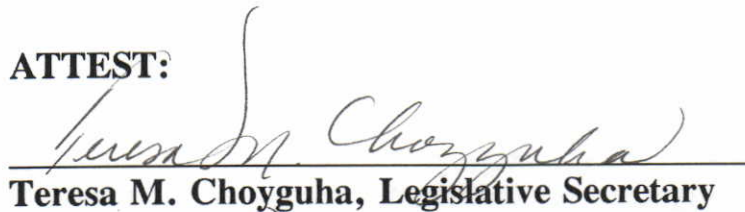
**TOHONO O'ODHAM LEGISLATIVE COUNCIL**



**Mary Ann Antone, Legislative Chairwoman**

8<sup>th</sup> day of March, 19 93

**ATTEST:**



**Teresa M. Choyguha, Legislative Secretary**

8<sup>th</sup> day of March, 19 93.

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 8<sup>th</sup> day of March, 1993, at 2:44 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, Legislative Chairwoman

APPROVED on the 8 day of March, 1993

DISAPPROVED) at 4:56 o'clock, P.M.

  
JOSIAH MOORE, Chairman  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 9<sup>th</sup> day of March,  
1993, at 9:12 o'clock, A.M.

  
Teresa M. Choyguha, Legislative Secretary

MOVED: COUNCILMAN EARL A. FRANCISCO SUBJECT: APPROVING AN ATTORNEY CONTRACT WITH THE  
 SECOND: COUNCILMAN JOHN RENO LAW FIRM OF BROWN & BAIN  
 DATE: MARCH 08, 1993

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			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			
PISINEMO 119.0	1. Johnson Jose ( )	59.5	X			
	2. Chester Antone (Fernando Valentine)	59.5	X			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			X
	2. Frances Francisco (Joseph Juan)	53.5	X			
SELLS 310.0	1. Joseph T. Joaquin (Larry Garcia)	155.0	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	1,607.5	116.5	-0-	05

\*\*PASSED VOTES