# RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL (Approving Modification No. 1 to Budget of Advocate Program for Fiscal Year 1994 and Related Attorney Contracts)

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## D E F E A T E D RESOLUTION NO. <u>94-355</u>

4WHEREAS, there are no attorneys and insufficient advocate staff in5the Nation's Advocate Program to meet the increasing6needs of tribal members for legal representation in civil8and criminal matters; and

WHEREAS, pending Legislative Council consideration of the 9 10 Advocate Program's request for funding to hire 11 additional legal and support staff, private law firms were 12 effort to maintain adequate engaged in an 13 14 representation of existing clients and provide legal 15 assistance to some of those members seeking services 16 from the Advocate Program; and 17

WHEREAS, during the period from July 21, 1993 through January 4, 18 19 1994, the law firm of Gust Rosenfeld (the "Gust Firm") 20 was paid \$43,869., (\$17,680., in fiscal year 1993 and 21 \$26,189., in fiscal year 1994) from the Advocate Program 22 23 budget to provide legal services for Program clients; and 24 WHEREAS, the sum of \$56,801., is outstanding and unpaid for legal 25 services provided to Program clients by the Gust Firm 26 during such period; and 27

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|--------|---|--|---------|--|--|
| 1 2    | D E F E A T E D<br>RESOLUTION NO. <u>94-355</u><br>(Approving Modification No. 1 to Budget of Advocate Program<br>for Fiscal Year 1994 and Related Attorney Contracts)<br>Page 2 of 5 |  |         |  |  |
| 3<br>4 | WHEREAS.  | during the period from January 5, 1994 through June 30,    | 1       |  |  |
| 5      |   |  |         |  |  |
| 6      |   | 1994, the law firm of Shimmel, Hill, Bishop & Gruender     |         |  |  |
| 7      |   | (the "Shimmel Firm") was paid \$26,189., from the          | - China |  |  |
| 8      |   | Advocate Program budget to provide legal services for      |         |  |  |
| 9      |   | Program clients; and                                       |         |  |  |
| 10     | WHEREAS,  | the sum of \$133,199., is outstanding and unpaid for legal |         |  |  |
| 11     |   | services provided to Program clients by the Shimmel        |         |  |  |
| 12     |   |  |         |  |  |
| 13     |   | Firm during such period; and                               |         |  |  |
| 14     | WHEREAS,  | the Advocate Program wishes to retain the services of the  |         |  |  |
| 15     |   | Shimmel Firm for the fourth quarter of this fiscal year    |         |  |  |
| 16     |   | and projects the cost of such services at \$90,000.; and   |         |  |  |
| 17     |   |  |         |  |  |
| 18     | WHEREAS,  | conflicts of interest among existing and prospective       |         |  |  |
| 19     |   | Program clients bar the Shimmel Firm from                  |         |  |  |
| 20     |   | representing certain of these persons, requiring the       |         |  |  |
| 21     |   |  |         |  |  |
| 22     |   | engagement of other legal counsel; and                     |         |  |  |
| 23     | WHEREAS,  | the Advocate Program projects the services of conflict     |         |  |  |
| 24     |   | attorneys will cost \$10,000., through September 30, 1994; |         |  |  |
| 25     |   | and  |         |  |  |
| 26     |   |  |         |  |  |
| 27     | WHEREAS,  | the Advocate Program has presented attorney contracts      |         |  |  |
| 28     |   | for the Gust Firm in the amount of \$100,670., (including  |         |  |  |
|        |   |  |         |  |  |

### DEFEATED

**RESOLUTION NO. 94-355** (Approving Modification No. 1 to Budget of Advocate Program 1 for Fiscal Year 1994 and Related Attorney Contracts) 2 Page 3 of 5 3 4 \$17,680., in services performed and paid in fiscal year 5 1993) and Shimmel Firm in the amount of \$249,388., 6 which confirm and ratify the terms and conditions 7 related to past and future services, copies of which are 8 9 attached: and 10 WHEREAS, the Advocate Program has submitted the attached 11 Modification No. 1 to the Program's budget for fiscal year 12 1994 which requests an appropriation of \$276,252., by 13 14 Legislative Council for the attorney contracts noted 15 above and would transfer the additional time of \$66,126., 16 in budget savings from certain line items to professional 17 services for expenditure under such contracts. 18 19 **NOW, THEREFORE, BE IT RESOLVED that:** 20 1. The Legislative Council ratifies and approves the 21 attorney contracts, in the form attached hereto, for (a) 22 23 the Gust Firm for the period from July 21, 1993 24 through January 4, 1994 in the amount of \$100,670., 25 and (b) the Shimmel Firm for the period from January 26 5, 1994 through September 30, 1994 in the amount of 27 28 \$249,388.

## DEFEATED

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Approving Modification No. 1 to Budget of Advocate Program
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3 2. For the purpose of funding obligations under the 4 5 attorney contracts with the Gust and Shimmel Firms 6 during fiscal year 1994, and to provide \$10,000., in 7 funding for engagement of conflict attorneys, the 8 9 Legislative Council hereby approves Modification No. 10 1 to the budget of the Advocate Program for fiscal year 11 1994 which transfers the sum of \$66,126., from the 12 salary and other line items to professional services 13 14 and appropriates from the General Revenue Account 15 the additional sum of \$276,252., to the Program's 16 professional services line item. 17 3. The Chairman of the Nation is authorized and 18 19 directed to execute the attorney contracts.

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The foregoing Resolution was presented to the Tohono O'odham
 Council on the <u>12TH.</u> day of <u>SEPTEMBER</u>, at a meeting at which a
 quorum was present, and by a vote of <u>621.0</u> FOR; <u>1,142.0</u> AGAINST;
 <u>-0-</u> NOT VOTING; AND <u>04</u> ABSENT, failed to pass because it did not
 receive a majority of the votes cast as required by Section 2 of Article
 V of the Constitution of the Tohono O'Odham Nation.

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**TOHONO O'ODHAM LEGISLATIVE COUNCIL** 

Alex J. Ramon, Legislative Chairman

DEFEATED **RESOLUTION NO. <u>94-355</u>** (Approving Modification No. 1 to Budget of Advocate Program for Fiscal Year 1994 and Related Attorney Contracts) Page 5 of 5 ATTEST: rozanka Teresa M. Choyguha, Legislative Secretary 

# ACTION: APPROVING MODIFICATION NO. 1 TO BUDGET OF ADVOCATE PROGRAM FOR FISCAL YEAR 1994 AND RELATED ATTORNEY CONTRACTS

#### MOVED: COUNCILMAN MICHAEL FLORES

#### SECOND: COUNCILMAN DENNIS RAMON

DATE: SEPTEMBER 12, 1994

| DISTRICT                  | LEGISLATIVE<br>REPRESENTATIVES  | # OF<br>VOTES | FOR   | AGAINST | NOT<br>VOTING | ABSENT |
|---------------------------|---|---------------|-------|---------|---------------|--------|
| <b>SIF OIDAK</b><br>151.0 | <ol> <li>WILLARD JUAN, SR.<br/>(Delbert Thomas)</li> <li>MARY ANN ANTONE</li> </ol> | 75.5          |       | x       |               |        |
|                           | (Nellie Miguel)   | 75.5          |       | x       |               |        |
| SELLS<br>290.0            | 1. ANDREW M. PATRICIO<br>(Lucille Encinas)  | 145.0         |       | x       |               | х      |
|                           | <ol> <li>JOSEPH T. JOAQUIN<br/>(Allen W. Garcia, Jr.)</li> </ol>                    | 145.0         |       | x       |               |        |
| SCHUK TOAK<br>113.0       | 1. FRANCES FRANCISCO ()   | 56.5          |       | x       |               |        |
| 115.0                     | 2. KENNETH J. ANTONE ()   | 56.5          |       | x       |               | х      |
| SAN XAVIER<br>135.0       | 1. EUGENE ENIS, SR.**<br>( )  | 67.5          | x     |         |               |        |
| 155.0                     | 2. DENNIS RAMON ()  | 67.5          | x     |         |               |        |
| BABOQUIVARI<br>230.0      | 1. FRANCES MIGUEL   | 115.0         |       | x       |               |        |
| 250.0                     | 2. EARL A. FRANCISCO  | 115.0         |       | x       |               |        |
| GU ACHI                   | 1. WILLARD ANITA  | 90.0          |       | x       |               |        |
| 180.0                     | 2. ALEX J. RAMON<br>(Marian Johnson)  | 90.0          |       | x       |               |        |
| <b>PISINEMO</b><br>128.0  | 1. CHESTER ANTONE<br>(Fernando Valentine)   | 64.0          | х     |         |               | х      |
| 120.0                     | 2. JOHNSON M. JOSE<br>(Roseleen Antone)   | 64.0          | x     |         |               |        |
| SAN LUCY<br>98.0          | 1. JOHN RENO  | 49.0          | х     |         |               | х      |
| 98.0                      | 2. ALBERT MANUEL, JR.<br>(Ernestine Marquez)  | 49.0          | x     |         |               |        |
| GU VO                     | 1. EMILIO LEWIS<br>( )  | 62.0          | х     |         |               |        |
| 124.0                     | 2. MICHAEL FLORES<br>(Fern Salcido)   | 62.0          | x     |         |               |        |
| HICKIWAN                  | 1. MANUEL OSEQUEDA, JR.   | 68.0          | х     |         |               |        |
| 136.0                     | 2. LLOYD FRANCISCO  | 68.0          | x     |         |               |        |
| CHUKUT KUK                | 1. MARILYN FRANCISCO  | 89.0          |       | x       |               |        |
| 178.0                     | 2. KENNETH WILLIAMS ( )   | 89.0          |       | x       |               |        |
|                           | TOTAL   | 1,763.0       | 621.0 | 1,142.0 | -0-           | 04     |

**\*\*PASSED VOTES**