

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

RESOLUTION NO. 94-478

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3 **WHEREAS, pursuant to Resolution 91-112 the Tohono O'odham**
4 **Legislative Council authorized the Nation's Attorney**
5 **General to take necessary steps on behalf of the Nation**
6 **and the Tohono O'odham Farming Authority (the**
7 **"Farming Authority") to recover payments made by the**
8 **Nation and the Farming Authority to the Central Arizona**
9 **Irrigation and Drainage District ("CAIDD") for**
10 **assessments in lieu of taxes imposed on the Nation's San**
11 **Lucy Farm; and**

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14 **WHEREAS, the primary source for the foregoing payments was the**
15 **Gila Bend Indian Reservation Lands Replacement Act,**
16 **P.L. 99-503 (the "Act"), subject to reimbursement; and**

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18 **WHEREAS, the Legislative Council reaffirms its position that such**
19 **assessments are unlawful and constitute an obligation of**
20 **the United States under the Act; and**

21 **WHEREAS, to date legal proceedings commenced by the Nation's**
22 **Attorney General have not resulted in a final**
23 **determination regarding liability for such assessments;**
24 **and**

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26 **WHEREAS, CAIDD has initiated a proceeding in the United States**
27 **Bankruptcy Court, captioned In re Central Arizona**
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Irrigation and Drainage District, No. 94-02043-TUC-JMM
(the "CAIDD Bankruptcy Proceeding"); and

WHEREAS, the claims of the Nation and the Farming Authority for recovery of the in lieu payments is an issue in the CAIDD Bankruptcy Proceeding; and

WHEREAS, Minerec is a chemical processing enterprise doing business on allotted lands in the San Xavier District; and

WHEREAS, disputes have arisen concerning whether Minerec has a lawful right to conduct business in the San Xavier District and whether Minerec's operations present a danger to the health, safety and welfare of members of the Nation and citizens of the Tucson community; and

WHEREAS, Minerec has initiated a proceeding in the United States Bankruptcy Court, captioned In re Arizona Mining Products Corporation, Inc., dba Minerec, No. 94-1790-TUC-LO (the "Minerec Bankruptcy Proceeding"); and

WHEREAS, the Nation's Attorney General has recommended engaging the law firm of Brown & Bain to assist the Office of Attorney General in determining and asserting the interests of the Nation and the Farming Authority in the CAIDD Bankruptcy Proceeding, as well as the

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interests of the Nation in the Minerec Bankruptcy Proceeding; and

WHEREAS, funds are available within the approved budget of the Office of Attorney General for fiscal year 1995 to enter into the proposed attorney contract; and

WHEREAS, the Domestic Affairs Committee recommends approval by the Legislative Council of an attorney contract with Brown & Bain for the foregoing purposes.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The Tohono O'odham Legislative Council approves an attorney contract with the law firm of Brown & Bain in the amount of \$45,000 for fiscal year 1995, in the form attached hereto, to assist the Office of Attorney General in representing (a) the interests of the Nation and Farming Authority in the CAIDD Bankruptcy Proceeding and (b) the interests of the Nation in the Minerec Bankruptcy Proceeding.**
- 2. The Chairman of the Nation is authorized and directed to execute the attorney contract.**

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The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 10TH day of NOVEMBER, 1994 at a meeting at which a quorum was present with a vote of 1,763.0 FOR; -0- AGAINST; -0- NOT VOTING; and 09 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


For: **Alex J. Ramon, Legislative Chairman**

11 day of Nov., 1994

ATTEST:


Acting Legislative Secretary

11th day of November, 1994.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 11 day of Nov., 1994 at 1:05 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


For: **Alex J. Ramon, Legislative Chairman**

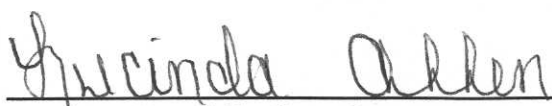
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APPROVED on the 11 day of November, 1994
 DISAPPROVED at 1:29 o'clock, a.M.


SYLVESTER LISTO, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 11th day of
November, 1994, at 1:58 o'clock, P.M.


Acting Legislative Secretary

ACTION: APPROVING ATTORNEY CONTRACT WITH LAW FIRM OF BROWN & BAIN REGARDING BANKRUPTCY PROCEEDINGS

MOVED: COUNCILMAN EUGENE ENIS, SR.

SECOND: COUNCILMAN ALBERT MANUEL, JR.

DATE: NOVEMBER 10, 1994

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDA 151.0	1. WILLARD JUAN, SR. (Delbert Thomas)	75.5	X			
	2. MARY ANN ANTONE (Nellie Miguel)	75.5	X			X
SELLS 290.0	1. ANDREW M. PATRICIO (Lucille Encinas)	145.0	X			
	2. JOSEPH T. JOAQUIN (Allen W. Garcia, Jr.)	145.0	X			X
SCHUK TOAK 113.0	1. FRANCES FRANCISCO ()	56.5	X			X
	2. KENNETH J. ANTONE ()	56.5	X			
SAN XAVIER 135.0	1. EUGENE ENIS, SR. ()	67.5	X			
	2. DENNIS RAMON ()	67.5	X			
BABOQUIVARI 230.0	1. FRANCES MIGUEL ()	115.0	X			X
	2. EARL A. FRANCISCO ()	115.0	X			
GU ACHI 180.0	1. WILLARD ANITA ()	90.0	X			
	2. ALEX J. RAMON (Marian Johnson)	90.0	X			X
PISINEMO 128.0	1. CHESTER ANTONE (Fernando Valentine)	64.0	X			X
	2. JOHNSON M. JOSE (Roseleen Antone)	64.0	X			
SAN LUCY 98.0	1. JOHN RENO ()	49.0	X			X
	2. ALBERT MANUEL, JR. (Ernestine Marquez)	49.0	X			
GU VO 124.0	1. EMILIO LEWIS ()	62.0	X			
	2. MICHAEL FLORES (Fern Salcido)	62.0	X			
HICKIWAN 136.0	1. MANUEL OSEQUEDA, JR. ()	68.0	X			X
	2. LLOYD FRANCISCO ()	68.0	X			
CHUKUT KUK 178.0	1. MARILYN FRANCISCO	89.0	X			X
	2. KENNETH WILLIAMS ()	89.0	X			
TOTAL		1,763.0	1,763.0	-0-	-0-	[09]

****PASSED VOTES**