

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Extension of Attorney Contract for Meadowood Ranch & Related
Legal Matters; Appropriation of funds for Contract)**

RESOLUTION NO. 95-405

WHEREAS, there are pending before the United States District court three civil actions related to the Nation's legal claims arising out of the Meadowood Ranch transactions and associated matters: (1) Sutro & Company v. Meadowood Ranch, Inc. and Tohono O'odham Nation, CIV 94-215-TUC-RMB (D Ariz.); (2) Tohono O'odham Nation v. Dutari, et al., CIV 94-547-TUC-RMB (D. Ariz.); and (3) Tohono O'odham Nation v. First State Bank, et al., CIV 95-4-TUC-RMB (D. Ariz.) (collectively the "Federal Lawsuits"); and

WHEREAS, a civil action has been initiated in Texas state court by Gary Whitaker against the Nation arising out of an alleged hay contract between Whitaker and Meadowood Ranch, Inc., captioned Whitaker v. Tohono O'odham Nation and Earl Bristow, No. 37168 (Dist. Ct., Anderson County) (the "Texas Lawsuit"); and

WHEREAS, by Resolution 94-179, the Legislative Council (1) approved an Attorney Contract with the law firm of Hirsh, Davis, Walker & Piccarreta, now known as Hirsh, Davis & Piccarreta (the "Hirsh Firm"), for representation in connection with the Federal Lawsuits

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and related matters for the period from May 19, 1994 through
September 30, 1995, and (2) appropriated \$400,000 to fund the fees
and expenses under such Contract; and

WHEREAS, the appropriated amount was deposited in Account No. 01-1019-060
(the "Meadowood Litigation Account"); and

WHEREAS, as of August 31, 1995, the unexpended balance in the Meadowood
Litigation Account was \$230,927; and

WHEREAS, the lead outside attorneys for the Nation in the Federal Lawsuits is
now the law firm of Raven, Kirschner & Norell (the "Raven Firm")
which initially had been approved as associated counsel under the
Attorney Contract with the Hirsh Firm; and

WHEREAS, the Nation is represented in the Texas Lawsuit by the law firm of
Jackson & Walker which as been approved as associated counsel
under the Attorney Contract with the Hirsh Firm; and

WHEREAS, there is a continued need to engage private attorneys to assist the

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**3 Office of Attorney General in protecting the Nation's interests in the
4
5 foregoing litigation and related matters; and**

**6 WHEREAS, the Attorney General has proposed an extension of the Attorney
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8 Contract with the Raven Firm through September 30, 1996,
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10 approval of the Hirsh Firm and Jackson & Walker as associated
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12 counsel, and appropriation of the unexpended balance in the
13 Meadowood Litigation Account for that purpose; and**

**14 WHEREAS, attached hereto is Amendment No. 1 to the Attorney Contract which
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16 revised the Contract's terms in accordance with the proposal; and**

**17 WHEREAS, the Domestic Affairs and Budget & Finance Committees concur in
18
19 this proposal and recommend approval by the Legislative Council.**

20 NOW, THEREFORE, BE IT RESOLVED that:

- 21**
- 22 1. The Tohono O'odham Legislative Council hereby approves**
- 23**
- 24 Amendment No. 1 to the Attorney Contract which (a)**
- 25**
- 26 designates Raven, Kirschner & Norell as the lead outside**
- 27**
- 28 attorneys, (b) approves Hirsh, Davis & Piccarreta and**

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Jackson & Walker as associated attorneys and (c) extends the
Contract term through September 30, 1996.

2. The Legislative Council further appropriates the unexpended
balance of Account No 01-1019-060 to pay the fees and
expenses under the Attorney Contract.

The foregoing Resolution was passed by the Tohono O'Odham Council on the
29TH. day of AUGUST, 1995 at a meeting at which a quorum was present with
a vote of 1,742.0 FOR; 134.0 AGAINST; -0- NOT VOTING; and [04] ABSENT,
pursuant to the powers vested in the Council by Section 1(d)(2)(3)2(a) of Article
VI and Section 2 of Article XVII 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


Dennis Ramon, Legislative Chairman

7th day of September, 1995

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ATTEST:

Frances Antone

Frances Antone, Legislative Secretary

5th day of September, 1995

Said Resolution was submitted for approval to the office of the Chairman of the
Tohono O'Odham Nation on the 7th day of September,
1995 at 2:03 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

Dennis Ramon

for Dennis Ramon, Legislative Chairman

APPROVED

on the 7 day of September, 1995

DISAPPROVED

at 2:55 o'clock, P.M.

Henry A. Ramon for

EDWARD D. MANUEL, Chairman

TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 11th day of

September, 1995, at 4:27 o'clock, P.M.

Frances Antone

Frances Antone, Legislative Secretary

ACTION: APPROVING EXTENSION OF ATTORNEY CONTRACT FOR MEADOWOOD RANCH & RELATED LEGAL MATTERS; APPROPRIATION OF FUNDS FOR CONTRACT

Moved: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILMAN ALBERT MANUEL

DATE: AUGUST 29, 1995

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 160.0	1. MARY ANN ANTOINE (Nellie Miguel)	80.0	X			
	2. RITA MARTINEZ (Maxine Norris)	80.0	X			
SELLS 314.0	1. JOSEPH T. JOAQUIN (Allen W. Garcia, Jr.)	157.0	X			X
	2. LUCILLE ENCINAS (Cynthia Chico)	157.0	X			
SCHUK TOAK 117.0	1. KENNETH J. ANTOINE ()	58.5	X			
	2. MARY JANE JUAN-MOORE ()	58.5	X			
SAN XAVIER 142.0	1. DENNIS RAMON ()	71.0	X			
	2. TONY BURRELL ()	71.0	X			
BABOQUIVARI 257.0	1. EDWARD KISTO (Idella Stanley)	128.5	X			
	2. FRANCES MIGUEL (Kenneth Chico, Sr.)	128.5	X			
GU ACHI 187.0	1. ALEX J. RAMON (Marian Johnson)	93.5	X			X
	2. WILLARD ANITA (Louis Johnson)	93.5	X			
PISINEMO 135.0	1. JOHNSON JOSE (Roseleen Antone)	67.5	X			X
	2. BARBARA SALVICIO ()	67.5	X			
SAN LUCY 105.0	1. ALBERT MANUEL, JR. ()	52.5	X			
	2. JOHN RENO (Mary Hoffman)	52.5	X			
GU VO 134.0	1. MICHAEL FLORES ()	67.0		X		X
	2. FERN SALCIDO (Larry Montana)	67.0		X		
HICKIWAN 142.0	1. LLOYD FRANCISCO ()	71.0	X			
	2. ALEX JOSE ()	71.0	X			
CHUKUT KUK 183.0	1. KENNETH WILLIAMS ()	91.5	X			
	2. DAVID GARCIA (Marvin Thomas)	91.5	X			
TOTAL		1,876.0	1,742.0	134.0	-0-	[04]