

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

**RESOLUTION NO. 96-532**

**WHEREAS,** there is pending before the Arizona United States District Court a consolidated civil action related to the Nation's legal claims arising out of the Meadowood Ranch transactions and associated matters: Tohono O'odham Nation v. Dutari, et al., CIV 94-547-TUC-RMB (D. Ariz.) (the "Arizona Federal Lawsuit"); and

**WHEREAS,** there is pending before the Ninth Circuit Court of Appeals an appeal filed by the Nation challenging certain rulings by the Court in the Arizona Federal Lawsuit (the "Federal Appeal"); and

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

**WHEREAS,** there is pending before the Texas United States District Court a civil action filed by the Nation against Gary Whitaker and the presiding judge in the Texas State Lawsuit which seeks (1) a declaration that

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4 the judgment entered against the Nation is void on grounds of  
5 sovereign immunity and (2) an injunction against the defendants  
6 prohibiting enforcement of the judgment: Tohono O'odham Nation  
7 v. Whitaker and Calhoun, CIV 6-96-CV-407 (E.D. Texas) (the "Texas  
8 Federal Lawsuit"); and  
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11 **WHEREAS**, by Resolution 94-179, the Legislative Council (1) appropriated the  
12 sum of \$400,000 for attorneys' fees and expenses incurred in these  
13 proceedings through September 30, 1995, which was subsequently  
14 deposited in the Meadowood Litigation Account (01-1019-810), and (2)  
15 approved a related Attorney Contract with a private law firm  
16 engaged to assist the Attorney General in representing the Nation in  
17 such proceedings; and  
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22 **WHEREAS**, by Resolution 95-405, the Legislative Council (1) appropriated the  
23 remaining balance of the Meadowood Litigation Account for  
24 expenditure through September 30, 1996 for attorneys' fees and  
25 expenses in such proceedings and (2) approved an extension of the  
26 Attorney Contract through September 30, 1996; and  
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**WHEREAS, the Nation requires continued representation during fiscal year 1997 to protect its interests in the Arizona Federal Lawsuit, the Federal Appeal and the Texas Federal Lawsuit (collectively the "Meadowood Litigation"); and**

**WHEREAS, an additional appropriation of \$300,000 to the Meadowood Litigation Account and an extension of the Attorney Contract have been requested for such purposes, as set forth in the funding request and justification attached hereto; and**

**WHEREAS, the Attorney Contract is with the law firm of Raven Kirschner & Norell; and**

**WHEREAS, L. Anthony Fines and Lane D. Oden are the two attorneys in the firm who have performed nearly all of the legal work in the Meadowood Litigation (with association of Jackson & Walker for the Texas lawsuits); and**

**WHEREAS, Mr. Fines and Mr. Oden are leaving Raven, Kirschner & Norell to form their own law firm effective December 1, 1996; and**

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**WHEREAS, the Attorney General has recommended that the firm of Fines & Oden be authorized to assume the Attorney Contract as of December 1, 1996; and**

**WHEREAS, Amendment No. 2 to the Attorney Contract provides for such assignment and assumption of the Attorney Contract; and**

**WHEREAS, the Budget & Finance Committee recommends approval by the Legislative Council of the requested appropriation in the amount of \$300,000; and**

**WHEREAS, the Domestic Affairs Committee recommends approval by the Legislative Council of Amendment No. 2 to the Attorney Contract.**

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

- 1. The Tohono O'odham Legislative Council hereby approves Amendment No. 2 to the Attorney Contract with the law firm of Raven, Kirschner & Norell, in the form attached hereto, which extends the term of the Contract through September 30, 1997 and authorizes the assumption of such Contract by**

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the law firm of Fines & Oden on December 1, 1996.

2. The Legislative Council further appropriates the unexpended balance of the Meadowood Litigation Account and the additional amount of \$300,000 from the General Revenue Account to pay the fees and expenses under the Attorney Contract for August 1996, September 1996 and Fiscal Year 1997.

3. The Chairman of the Nation is authorized and directed to execute Amendment No. 2 to the Attorney Contract.

The foregoing Resolution was passed by the Tohono O'Odham Council on the 7TH day of NOVEMBER, 1996 at a meeting at which a quorum was present with a vote of 1,637.0 FOR; -0- AGAINST; 134.0 NOT VOTING; and 105.0 [06] ABSENT, pursuant to the powers vested in the Council by Article VI, 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

  
Dennis Ramon, Legislative Chairman  
8<sup>th</sup> day of November, 1996

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ATTEST:

Francis Antone

Francis Antone, Legislative Secretary

08<sup>th</sup> day of November, 1996

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 November, 1996 at 4:48 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

Dennis Ramon, Legislative Chairman

APPROVED

on the 12 day of November, 1996

DISAPPROVED

at 9:27 o'clock, A.M.

Edward D. Manuel

EDWARD D. MANUEL, Chairman

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Returned to the Legislative Secretary on the 12<sup>th</sup> day of

November, 1996, at 1:27 o'clock, P.M.

Frances Antone

Frances Antone, Legislative Secretary

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

**MOVED:** COUNCILWOMAN FRANCES MIGUEL

**SECOND:** COUNCILMAN JOHNSON JOSE

**DATE:** NOVEMBER 7, 1996

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF ODAK</b> 160.0	1. MARY ANN ANTONE (Nellie Miguel)	80.0	X			
	2. RITA MARTINEZ (Maxine Norris)	80.0	X			
<b>SELLS</b> 314.0	1. JOSEPH T. JOAQUIN (Allen W. Garcia, Jr.)	157.0	X			X
	2. LUCILLE ENCINAS (Cynthia Chico)	157.0	X			
<b>SCHUK TOAK</b> 117.0	1. KENNETH J. ANTONE ( )	58.5	X			
	2. JOSEPH JUAN ( )	58.5	X			
<b>SAN XAVIER</b> 142.0	1. DENNIS RAMON ( )	71.0	X			
	2. TONY BURRELL ( )	71.0	X			X
<b>BABOQUIVARI</b> 257.0	1. EDWARD KISTO** ( Idella Stanley)	128.5	X			
	2. FRANCES MIGUEL (Kenneth Chico, Sr.)	128.5	X			
<b>GU ACHI</b> 187.0	1. WILLARD ANITA (Louis Johnson)	93.5	X			
	2. ALEX J. RAMON (Marian Johnson)	93.5	X			X
<b>PISINEMO</b> 135.0	1. JOHNSON JOSE (Roseleen Antone)	67.5	X			
	2. BARBARA SALVICIO ( )	67.5	X			
<b>SAN LUCY</b> 105.0	1. ALBERT MANUEL, JR. ( )	52.5				X
	2. JOHN RENO (Mary Hoffman)	52.5				X
<b>GU VO</b> 134.0	1. GLORIA MONTANA ( )	67.0			X	X
	2. FERN SALCIDO (Larry Montana)	67.0			X	
<b>HICKIWAN</b> 142.0	1. LLOYD FRANCISCO ( )	71.0	X			
	2. ALEX JOSE ( )	71.0	X			
<b>CHUKUT KUK</b> 183.0	1. KENNETH WILLIAMS ( )	91.5	X			
	2. DAVID GARCIA (Marvin Thomas )	91.5	X			
<b>TOTAL</b>		<b>1,876.0</b>	<b>1,637.0</b>	<b>-0-</b>	<b>134.0</b>	<b>105.0</b> [06]

**\*\*PASSED VOTES**