

LEGISLATIVE ORDER OF THE TOHONO O'ODHAM COUNCIL
(Directing Intervention by Council in State Replevin
Action Initiated by Chairman)

LEGIS. ORDER NO. 231-89

1 WHEREAS, the Tohono O'Odham Nation has retained the law firm of
2 STRICKLAND & ALTAFFER, P.C. ("Attorneys") as General
3 Counsel under a General Counsel Contract dated September
4 24, 1988 ("Contract"), pursuant authority of Legislative
5 Council Resolution No. 259-88 and of subsection 2(a) of
6 article VI of the Constitution of the Tohono O'Odham
7 Nation which gives to the Legislative Council exclusive
8 power "[t]o employ legal counsel for the protection and
9 advancement of the rights of the Tohono O'Odham Nation;
10 and

11 WHEREAS, Angelo J. Joaquin, Sr., Chairman of the Nation, did by a
12 Memorandum dated June 6, 1989, purport to terminate the
13 Contract and ordered the Attorneys to turn over to him
14 all legal files of the Nation; and

15 WHEREAS, Edward D. Manuel, Chairman of the Legislative Council,
16 did by letter dated June 7, 1989, to Mr. Joaquin advise
17 him that only the Legislative Council had the power to
18 employ, and therefore to terminate the services of the
19 Attorneys, and that since the Council had not terminated
20 the Contract, the Council expected the Attorneys to
21 continue to provide legal services to the Nation as
22 contracted for thereunder; and

23 WHEREAS, despite the foregoing advice, Mr. Joaquin did on June
24 23, 1989, file Replevin action in state court against
25 the Attorneys on behalf of the Tohono O'Odham Nation,
26 and did obtain an order from a Pima County Superior
27 Court Judge ordering the Sheriff of Pima County to take
28 possession of all legal files of the Nation in
29 possession of the Attorneys; and

30 WHEREAS, Mr. Manuel did by letter dated June 27, 1989, advise the
31 Attorneys that Mr. Joaquin's actions, both in
32 terminating the Contract and in attempting to seek
possession of the legal files of the Nation, were

1 without legal effect, and did authorize and direct the
2 Attorneys to continue to provide legal services to the
3 Nation pursuant to the Contract, and to resist any
4 attempt by Mr. Joaquin or the Sheriff to obtain
5 possession of the legal files of the Nation; and

6 WHEREAS, the Attorneys are prepared to file a Redelivery Bond in
7 the state Replevin action in order to keep possession of
8 the legal files, and have requested further directions
9 from the Legislative Council with respect to current and
10 future actions which Mr. Joaquin has taken or may take
11 in contravention of the Contract.

12 NOW, THEREFORE, IT IS HEREBY ORDERED by the Tohono O'Odham
13 Legislative Council that, until further notice by the
14 Legislative Council, the Attorneys shall continue to
15 provide the legal services for and on behalf of the
16 Legislative Council and the Nation as contemplated by
17 the Contract, and that they do everything within their
18 power, including the filing of a Redelivery Bond, to
19 keep possession of the legal files of the Nation and to
20 obtain a dismissal of the Replevin action filed by Mr.
21 Joaquin in state court.

22 IT IS HEREBY FURTHER ORDERED that the Tohono O'Odham Nation, by
23 and through the Legislative Council shall intervene in
24 the state Replevin action to seek dismissal of the
25 action on the grounds that the state court lacks subject
26 matter jurisdiction of the Contract or files, or that
27 Mr. Joaquin is without authority to terminate the
28 Contract, to assume possession of the legal files or to
29 bring the action in the name of the Nation.

30 IT IS HEREBY FURTHER ORDERED that the Attorneys, in the name of
31 the Nation, of the Legislative Council or in their own
32 name, as General Counsel for the Nation, are authorized
and directed to take such further and other actions as

MOVED: John Reno

SUBJECT: Directing Intervention by Council

SECOND: Henry Ramon

in State Replevin Action Initiated by

DATE: July 10, 1989

Chairman

RESOLUTION NO. 231-89

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 163.0	1. Rosita Ruiz (Rosemary Lopez)	81.5	X			
	2. Kenneth G. Williams (Harriet Toro)	81.5	X			
HICKIWAN 125.0	1. Lloyd Francisco (Billy C. Manuel)	62.5	X			
	2. Henry Ramon ()	62.5	X			
GU VO 114.0	1. Cross Antone (Juan Joe Cipriano)	57.0	X			
	2. Virgil Lewis (Michael Flores)	57.0	X			
SAN LUCY 106.0	1. John Reno ()	53.0	X			
	2. Albert Manuel, Jr. (Max P. Jose)	53.0	X			
PISINEMO 119.0	1. Edward Manuel (Alex Antone)	59.5	X			
	2. Johnson Jose ()	59.5	X			
GU ACHI 166.0	1. Alex J. Ramon (Fernando Joaquin)	83.0			X	
	2. Percy Lopez ()	83.0	X			
BABOQUIVARI 229.0	1. Joann Garcia (Frances Miguel)	114.5	X			
	2. Earl A. Francisco (Kenneth Chico, Sr.)	114.5	X			
SAN XAVIER 127.0	1. Joanne C. Preston (Carmelita Mattias)	63.5		X		
	2. Eugene Enis, Sr. (Michael Rios)	63.5		X		
SCHUK TOAK 107.0	1. Joseph Juan (Frances Francisco)	53.5			X	
	2. JoAnn Francisco (David Valenzuela Sr.)	53.5		X		
SELLS 310.0	1. Joseph T. Joaquin (Larry Garcia)	155.0			X	
	2. Andrew Patricio (Daniel Lopez)	155.0	X			
SIF OIDAK 158.0	1. Willard Juan, Sr. (Melissa Gregorio)	79.0	X			
	2. Mary Ann Antone (Nina Jose)	79.0		X		
TOTAL		1,724.0	1,173.0	259.5	291.5	-0-