

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Enacting Tohono O'odham Code Title 8, Chapter 2 - Repatriation)

RESOLUTION NO. 09-137

1 **WHEREAS, the Constitution of the Tohono O'odham Nation was established "in order to affirm**
2 **our sovereign powers of self-government" and "to preserve, protect and build upon**
3 **our unique and distinctive culture and traditions" (Constitution, Preamble); and**

4 **WHEREAS, as a sovereign tribal government and pursuant to tribal, state, and federal laws,**
5 **including the Native American Graves Protection and Repatriation Act ("NAGPRA"), the**
6 **Nation is entitled to the repatriation of human remains and other cultural items that**
7 **are identified as culturally affiliated with the Tohono O'odham, Paleo Indian, Archaic,**
8 **or Hohokam cultural groups; and**

9 **WHEREAS, the Tohono O'odham Nation has consistently asserted its sovereign and human right**
10 **to recover human remains and cultural items within its ancestral lands by enacting**
11 **the Archaeological Resources Protection Ordinance (Ordinance No. 06-84); formally**
12 **establishing the Legislative Cultural Preservation Committee (Resolution No. 81-88),**
13 **approving an intertribal policy on archaeological artifacts and remains (Resolution**
14 **No. 277-89), authorizing the Nation's chairperson and the Cultural Preservation**
15 **Committee to file repatriation claims (Resolution No. 91-355); funding and otherwise**
16 **supporting reburials; and by establishing, funding, and staffing a Cultural Affairs**
17 **Program and a Cultural Center and Museum; and**

18 **WHEREAS, as a matter of practice, human remains and other cultural items recovered from**
19 **burial sites within the Tucson basin area have been repatriated to the San Xavier**
20 **District ("District"); and**

21 **WHEREAS, the Legislative Cultural Preservation Committee has worked with District**
22 **representatives and the Nation's Cultural Affairs Program to draft Tohono O'odham**
23 **Code Title 8, Chapter 2 - Repatriation.**

24 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby adopts**
25 **and enacts Tohono O'odham Code Title 8, Chapter 2 - Repatriation; provided that 8**
26 **T.O.C. Chapter 2 shall supersede the previous delegations of authority made by**
27 **Resolution No. 94-089.**

28 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13TH of**
29 **MARCH, 2009 at a meeting at which a quorum was present with a vote of 2,247.45 FOR; 196.5**
30 **AGAINST; 90.55 NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by**
31 **Article VI, Section 1 (c)(2) of the Constitution of the Tohono O'Odham Nation, adopted by the**
32 **Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
33 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
34 **18, 1934 (48 Stat. 984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Felicia Muney for
Verlon M. Jose, Legislative Chairman

17th day of March, 2009

ATTEST:

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

13 day of March, 2009.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 17th day of March, 2009 at 3:30 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

Felicia Muney for
Verlon M. Jose, Legislative Chairman

on the 18 day of March, 2009

APPROVED

at 2:00 o'clock, P.M.

DISAPPROVED

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 18 day of

March, 2009, at 3:15 o'clock, P.M.

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

ACTION: ENACTING TOHONO O'ODHAM CODE TITLE 8, CHAPTER 2 - REPATRIATION

MOVED: COUNCILMAN TIMOTHY JOAQUIN

SECOND: COUNCILWOMAN FRANCES CONDE

DATE: MARCH 13, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (Vernon Smith)	158.45	X			
CHUKUT KUK 264.8	1. ETHEL GARCIA ()	132.40	X			
	2. VERLON M. JOSE ()	132.40	X			X
GU ACHI 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ()	113.95	X			
GU VO 199.2	1. GRACE MANUEL ()	99.60	X			
	2. RAYMOND VICTOR ()	99.60	X			X
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00	X			
	2. SANDRA ORTEGA ()	86.00	X			X
PISINEMO 182.4	1. CHESTER ANTONE (Tony Murrietta)	91.20	X			
	2. GERALD FAYUANT ()	91.20	X			
SAN LUCY 181.1	1. LORRAINE EILER ()	90.55	X			
	2. GLORIA RAMIREZ ()	90.55			X	
SAN XAVIER 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25		X		
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25		X		
SCHUK TOAK 154.6	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
SELLS 444.7	1. KIMBERLY LISTO ()	222.35	X			
	2. EVELYN B. JUAN MANUEL ** ()	222.35	X			
SIF OIDAK 194.4	1. WAVALENE ROMERO ()	97.20	X			
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	2,247.45	196.5	90.55	[04]

**PASSED VOTES