

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Establishing Border Security Delegation)

RESOLUTION NO. 17-155

1 **WHEREAS, the Tohono O'odham and our ancestors have from time immemorial inhabited**
2 **lands from the Gila River area in present-day Arizona south to the Sea of Cortez in**
3 **northern Mexico and the Constitution of the Tohono O'odham Nation provides,**
4 **"It shall be the policy of the Tohono O'odham Nation to seek the return to the**
5 **Tohono O'odham Nation of lands and natural resources, including minerals and**
6 **water rights, within or adjacent to the Tohono O'odham Nation, or which**
7 **originally were a part of the historic Papagueria." (Constitution, Article XVI,**
8 **Section 9); and**

9 **WHEREAS, in 1854 the United States created an international boundary with Mexico that cuts**
10 **through Tohono O'odham lands and that forms the 62-mile southern boundary of**
11 **the Tohono O'odham Nation's main reservation; and**

12 **WHEREAS, the Nation's members are negatively impacted by illegal immigration and drug**
13 **trafficking across the international boundary, including increased criminal**
14 **activity, damage to the Nation's cultural resources, increased demands on tribal**
15 **law enforcement, illegal dumping, and environmental degradation; and**

16 **WHEREAS, the Nation's members also suffer from dangerous on-reservation roads in the**
17 **border area that continue to deteriorate due to inadequate BIA funding for repair**
18 **and maintenance, and these roads and the Nation's natural resources are further**
19 **impacted from on-road and off-road use by United States Customs and Border**
20 **Protection and other law enforcement agencies; and**

21 **WHEREAS, unlike national forests, wilderness areas, and other federal lands on the**
22 **international boundary dividing the United States and Mexico, the Nation's**
23 **reservation is not public land, it is reserved for the benefit of the Nation and its**
24 **members, and the Nation has a duty to ensure that tribal members' rights and the**
25 **Nation's sovereignty are protected; and**

26 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Tohono O'odham**
27 **Legislative Council with the power to consult with the Congress and federal**
28 **agencies regarding federal activities that affect the Tohono O'odham Nation, and**
29 **federal agencies are required by Executive Order No. 13175, presidential**
30 **memorandums, and departmental and agency policies to consult and**
31 **collaborate with affected Indian tribes on federal policies and actions having a**

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1 **substantial direct effect on tribes (Constitution, Article VI, Section 1(f) and (j));**
2 **and**

3 **WHEREAS, the duty to protect Nation's lands and resources, and its sovereignty and**
4 **jurisdiction, including in the Nation's dealings with the United States Customs**
5 **and Border Protection ("CBP"), Immigration and Customs Enforcement ("ICE"),**
6 **and other agencies within the United States Department of Homeland Security**
7 **("DHS") operating on the Nation's boundary with Mexico, is consistent with the**
8 **DHS Tribal Consultation Policy in which, "The United States recognizes the right**
9 **of Federally-recognized Indian Tribes ("Indian Tribes") to self-government.**
10 **Indian Tribes exercise inherent sovereign powers over their members and**
11 **territories." DHS Tribal Consultation Policy, I.A.; and**

12 **WHEREAS, the implementation of Executive Order 13767, "Border Security and Immigration**
13 **Enforcement Improvements," which directs the construction of a physical wall on**
14 **the United States' southern border with Mexico, and other federal proposals and**
15 **actions have a substantial, direct effect on the Nation mandating timely and**
16 **meaningful consultation, collaboration, and coordination between the United**
17 **States and the Nation; and**

18 **WHEREAS, the Domestic Affairs, Agricultural and Natural Resources, and Cultural**
19 **Preservation Committees, in consultation with the Nation's Chairman,**
20 **recommend that the Legislative Council establish a border security delegation to**
21 **represent the Nation.**

22 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council designates**
23 **the Tohono O'odham Nation chairperson and the chairpersons of the Domestic**
24 **Affairs, Agricultural and Natural Resources, and Cultural Preservation**
25 **Committees as the Nation's Border Security Delegation; provided that a**
26 **committee vice-chairperson may serve as a Delegation member in the committee**
27 **chairperson's absence.**

28 **BE IT FINALLY RESOLVED that the Nation's Border Security Delegation is delegated authority to**
29 **consult, collaborate, and coordinate on the Nation's behalf with the Department**
30 **of Homeland Security, its agencies, and other entities and officials on policies or**
31 **actions implementing Executive Order 13767 and other border security-related**
32 **proposed rules, regulations, and laws (collectively, "laws and rules") and actions**

1 or proposed actions (collectively, "actions") that may affect the Nation, provided
2 that:

- 3 (1) The Delegation is authorized to present the Nation's position on border
4 security-related issues consistent with resolutions and positions
5 approved by the Tohono O'odham Legislative Council.
- 6 (2) The Delegation shall act exclusively as a group; at least three members
7 must be present to take any action and all members shall receive timely,
8 advance notice of any Delegation meetings, correspondence, and other
9 information.
- 10 (3) The Nation's written comments to federal, state, and local governments on
11 border-related rules, regulations, and laws proposed by those entities
12 must be approved by the Tohono O'odham Legislative Council consistent
13 with 1 T.O.C. Chapter 3.
- 14 (4) The Delegation is not delegated authority to negotiate the terms of leases,
15 easements, rights-of-way, or other agreements or authorizations for the
16 uses of Nation's lands.
- 17 (5) The Delegation will coordinate closely with the Nation's Department of
18 Public Safety and Legislative Council committees of jurisdiction and
19 report to the Legislative Council at least once every 90 days and upon the
20 Council's request.

21 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07TH day
22 of APRIL, 2017 at a meeting at which a quorum was present with a vote of 2,931.1 FOR; 90.30
23 AGAINST; -0- NOT VOTING; and [06] ABSENT, pursuant to the powers vested in the Council by
24 Article III, Article VI, Section 1(c)(1)(i)(j); Article XVI and Article XVIII of the Constitution of the
25 Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and
26 approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6,
27 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).
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31 TOHONO O'ODHAM LEGISLATIVE COUNCIL

32 
33 Timothy Joaquin, Legislative Chairman

34 11th day of April, 2017
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1 ATTEST:

2 *Evonne Wilson*
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4 Evonne Wilson, Legislative Secretary

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6 11 day of April, 2017
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8 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
9 O'odham Nation on the 12 day of April, 2017 at 8:30 o'clock, A.m.,
10 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
11 effective upon his approval or upon his failure to either approve or disapprove it within 48
12 hours of submittal.

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14 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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16 *Timothy Joaquin*
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18 Timothy Joaquin, Legislative Chairman
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23 APPROVED on the 13th day of April, 2017

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25 DISAPPROVED at 2:45 o'clock, P.m.

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27 *Edward D. Manuel*
28 EDWARD D. MANUEL, CHAIRMAN
29 TOHONO O'ODHAM NATION
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36 Returned to the Legislative Secretary on the 13 day of
37 April, 2017, at 3:17 o'clock, P.m.

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39 *Evonne Wilson*
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42 Evonne Wilson, Legislative Secretary
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ACTION: ESTABLISHING BORDER SECURITY DELEGATION

MOVED: COUNCILMAN BILLMAN LOPEZ

SECOND: COUNCILMAN ARTHUR WILSON

DATE: APRIL 07, 2017

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (Roberta E. Harvey)	183.60	X			
	2. VERNON J. SMITH (<i>Absent</i>) (Gloria Zazueta) (<i>Present</i>)	183.60	X			
CHUKUT KUK 332.1	1. ETHEL GARCIA (Marla Kay Henry)	166.05	X			
	2. BILLMAN LOPEZ (Patricia Vicenti)	166.05	X			
GUACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50	X			
	2. LORETTA LEWIS ()	132.50	X			
GU VO 250.6	1. GRACE MANUEL (Dallas Lewis)	125.30	X			
	2. PAMELA ANGHILL (<i>Absent</i>) (Jeffery Antone, Sr.) (<i>Present</i>)	125.30	X			
HICKIWAN 205.8	1. LOUIS R. LOPEZ (Shirley Molina)	102.90	X			
	2. SANDRA ORTEGA ()	102.90	X			X
PISINEMO 219.9	1. CHESTER ANTONE (<i>Absent</i>) (Caroline D. Garcia) (<i>Present</i>)	109.95	X			X
	2. MONICA K. MORGAN ()	109.95	X			
SAN LUCY 226.5	1. DIANA MANUEL (Lorraine Eiler)	113.25	X			X
	2. JANA MONTANA (Gloria Ramirez)	113.25	X			
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III (Felicia Nunez)	114.3	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.3	X			X
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ()	90.3	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.3		X		
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75	X			
	2. BARBARA HAVIER (Idaleen Reyes)	256.75	X			X
SIF OIDAK 231.6	1. LUCINDA ALLEN ()	115.80	X			X
	2. MARY LOPEZ ()	115.80	X			
TOTAL		3,021.4	2,931.1	90.3	-0-	[06]