

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Enacting Tohono O'odham Nation Extradition Ordinance)

RESOLUTION NO. 03-205

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with the**
2 **power to “exercise the inherent powers of the Tohono O'odham Nation by providing**
3 **laws, ordinances or resolutions . . . to govern the conduct of members of the Tohono**
4 **O'odham Nation and other persons within its jurisdiction” and “to provide for the**
5 **maintenance of law and order and the administration of justice; . . . to enact criminal**
6 **and civil laws governing the conduct of any person within the Tohono O'odham**
7 **Nation consistent with federal law” (Constitution, Article VI, Section 1(c)(1) and (6));**
8 **and**

9 **WHEREAS, it is the Nation's interests to protect the safety of the Nation's communities by**
10 **continuing the practice of extraditing persons who are charged with criminal acts,**
11 **have escaped, or have violated any term of bail, probation, parole, or an order arising**
12 **out of a criminal proceeding to a demanding state or another tribal jurisdiction; and**

13 **WHEREAS, in the absence of a tribal law governing extraditions, Arizona courts have ruled that**
14 **Arizona law enforcement personnel may, in some cases, enter reservation lands and**
15 **remove a tribal member without coordinating with tribal law enforcement or**
16 **processing the extradition through the tribal court; and**

17 **WHEREAS, in order to protect the Nation's sovereignty and ensure that Arizona law enforcement**
18 **personnel abide by tribal law on the Tohono O'odham Nation, it is in the Nation's best**
19 **interests to formalize and make uniform the extradition process and; and**

20 **WHEREAS, the Judiciary Committee has developed the attached Tohono O'odham Nation**
21 **Extradition Ordinance after presenting a draft of the Ordinance at public hearings**
22 **across the Nation, and soliciting comments from the Districts, Nation's members,**
23 **Police Department, Advocate Program, Prosecutor's Office, Judicial Court, Office of**
24 **the Attorney General and other entities within the Nation's government; and**

25 **WHEREAS, the Extradition Ordinance was previously forwarded to the Council for its review; and**

26 **WHEREAS, it is in the Nation's best interests to enact the Tohono O'odham Nation Extradition**
27 **Ordinance.**

28 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Nation Extradition Ordinance,**
29 **in the form attached hereto, is hereby enacted as an ordinance of the Tohono**
30 **O'odham Nation and shall be designated Ordinance No. 03-02.**

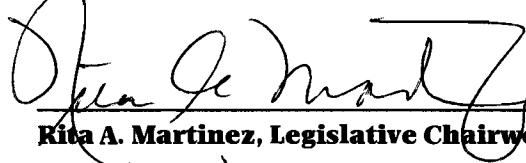
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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06TH Day of MAY, 2003 at a meeting at which a quorum was present with a vote of 2,229.2 FOR; -0- AGAINST; 188.3 NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Section 1 (c)(1) & (6) of Article VI 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


Rita A. Martinez, Legislative Chairwoman

7th day of May, 20 03

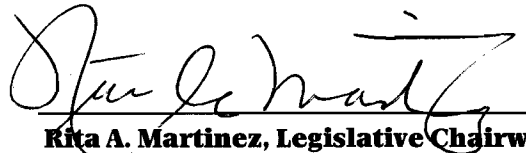
ATTEST:


Julianna Saraficio, Acting Legislative Secretary

06 day of May, 20 03.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 7th day of May, 20 03 at 4:13 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


Rita A. Martinez, Legislative Chairwoman

APPROVED

on the 8th day of May, 20 03

DISAPPROVED

at 3:58 o'clock, P.M.


EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

RESOLUTION NO. 03-205

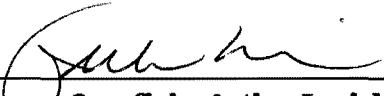
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Returned to the Legislative Secretary on the 12th day of

May, 2003, at 11:59 o'clock, A.M.



Julianna Saraficio, Acting Legislative Secretary

ACTION: ENACTING TOHONO O'ODHAM NATION EXTRADITION ORDINANCE

MOVED: COUNCILMAN DENNIS JOSE

SECOND: VICE CHAIRMAN CAMILLUS LOPEZ

DATE: MAY 06, 2003

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 317.7	1. FRANCES MIGUEL ()	158.85	X			
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			
CHUKUT KUK 248.1	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			
	2. DAVID GARCIA (Mary Audrey Juan)	124.05	X			
GU ACHI 230.7	1. CAMILLUS LOPEZ ()	115.35	X			
	2. JEROME JOAQUIN ()	115.35	X			X
GU VO 188.3	1. FERN SALCIDO ()	94.15			X	
	2. EMILIO LEWIS (Michael Flores)	94.15			X	
HICKIWAN 167.3	1. SHIRLEY MOLINA ()	83.65	X			
	2. SANDRA ORTEGA ()	83.65	X			
PISINEMO 174.7	1. BARBARA SALVICIO (Alex Antone)	87.35	X			
	2. PATRICIA CRUZ (Johnson Jose)	87.35	X			
SAN LUCY 160.7	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35	X			
	2. GLORIA RAMIREZ ()	80.35	X			
SAN XAVIER 184.7	1. FELICIA NUÑEZ ()	92.35	X			
	2. DENNIS RAMON ()	92.35	X			
SCHUK TOAK 144.5	1. MARY FLORES ()	72.25	X			
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25	X			X
SELLS 416.1	1. DENNIS E. JOSE ()	208.05	X			
	2. EVELYN JUAN ()	208.05	X			
SIF Oidak 184.7	1. ISIDRO LOPEZ (Nicholas Jose)	92.35	X			
	2. RITA MARTINEZ ()	92.35	X			
TOTAL		2,417.5	2,229.2	-0-	188.3	[02]

**PASSED VOTES