

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Amending "Legislative Rules of Procedure Upon Accusation for Removal" to Exclude  
Parties from Private Conferences)**

**LEGISLATIVE ORDER NO. 05-706**

1 **WHEREAS, the Legislative Council is constitutionally vested with "all of the legislative powers**  
2 **vested in the Tohono O'odham Nation" and is specifically delegated exclusive**  
3 **authority to hold hearings to consider removal from office of any representative of**  
4 **the Tohono O'odham Council upon accusation by any voter of the Tohono O'odham**  
5 **Nation (Constitution of the Tohono O'odham Nation, Article VI, Section 1 and Article**  
6 **XIII, Section 1; Uniform Election Ordinance, Article IX, Section 2); and**

7 **WHEREAS, the Council is further empowered "[t]o establish rules and procedures to regulate all**  
8 **meetings of the Tohono O'odham Council" (Constitution, Article VI, Section 1(a)); and**

9 **WHEREAS, as the Tohono O'odham Judicial Court has recognized, removal upon accusation**  
10 **hearings are uniquely legislative and political in nature and the Council is exclusively**  
11 **vested with the power to adopt removal hearing procedures (*Francisco v. Legislative***  
12 ***Council of the Tohono O'odham Nation*, Case No. 89-M-4592 (March 7, 1989)); and**

13 **WHEREAS, the Legislative Council did previously adopt Legislative Rules of Procedure Upon**  
14 **Accusation for Removal, which provide at Section 24 that "At any point during the**  
15 **proceedings, at the request of any member of the Council the Presiding Officer may**  
16 **call a private conference of all members of the Council and the Legislative Attorney."**  
17 **(Legislative Order No. 03-054); and**

18 **WHEREAS, it is in the Nation's best interest to amend Section 24 to expressly exclude the Accused**  
19 **and Accuser from private conferences.**

20 **NOW, THEREFORE, BE IT ORDERED by the Legislative Council that Section 24 of the Legislative**  
21 **Rules of Procedure Upon Accusation for Removal are hereby amended effective**  
22 **immediately to read as follows:**

23 **"24. Conference. At any point during the proceedings, at the request**  
24 **of any member of the Council the Presiding Officer may call a**  
25 **private conference of the Council and the Legislative Attorney,**  
26 **provided that neither the Accused nor the Accuser shall be**  
27 **present. The Council shall not vote or make any final decision**  
28 **during such a conference."**

**LEGISLATIVE ORDER NO. 05-706**


**(Amending "Legislative Rules of Procedure Upon Accusation for Removal" to Exclude Parties from Private Conferences)**

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The foregoing Order was passed by the Tohono O'odham Legislative Council on the 29<sup>TH</sup> Day of NOVEMBER 2005 at a meeting at which a quorum was present with a vote of 2,271.8 FOR; -0- AGAINST; 169.0 NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article IV, Section 1(a) and 1(1), Article XIII 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**

  
\_\_\_\_\_  
Evelyn B. Juan Mannel, Legislative Chairwoman

**ATTEST:**

  
\_\_\_\_\_  
Lucille Lopez, Acting Legislative Secretary

**ACTION: AMENDING "LEGISLATIVE RULES OF PROCEDURE UPON ACCUSATION FOR REMOVAL" TO EXCLUDE PARTIES FROM PRIVATE CONFERENCES**

**MOVED: COUNCILWOMAN CYNTHIA MANUEL**

**SECOND: COUNCILMAN RAYMOND VICTOR**

**DATE: NOVEMBER 29, 2005**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> 310.8	1. FRANCES MIGUEL ( )	155.40	X			
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			
<b>CHUKUT KUK</b> 258.7	1. ETHEL GARCIA ( )	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			X
<b>GU ACHI</b> 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
<b>GU VO</b> 193.1	1. RAYMOND VICTOR ( )	96.55	X			
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			
<b>HICKIWAN</b> 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70	X			
	2. SANDRA ORTEGA ( )	83.70	X			
<b>PISINEMO</b> 171.8	1. BARBARA SALVICIO ( )	85.90	X			
	2. GERALD FAYUANT ( )	85.90	X			
<b>SAN LUCY</b> 169.0	1. JOHN W. LAWSON, SR. ( )	84.50			X	X
	2. GLORIA RAMIREZ ( )	84.50			X	
<b>SAN XAVIER</b> 193.8	1. FELICIA NUÑEZ ( )	96.90	X			
	2. OLIVIA VILLEGAS-LISTON ( )	96.90	X			
<b>SCHUK TOAK</b> 146.9	1. FRANCES B. CONDE ( )	73.45	X			
	2. PHYLLIS JUAN ( )	73.45	X			
<b>SELLS</b> 421.0	1. DENNIS E. JOSE ** ( )	210.50	X			
	2. EVELYN B. JUAN MANUEL ( )	210.50	X			
<b>SIF OIDAK</b> 186.7	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Martinez)	93.35	X			
<b>TOTAL</b>		<b>2,440.80</b>	<b>2,271.8</b>	<b>-0-</b>	<b>169.0</b>	<b>[02]</b>

**\*\*PASSED VOTES**