

LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Granting the Accused's Motion to Challenge the Sufficiency of the Accusation and Dismiss)

DEFEATED
LEGISLATIVE ORDER NO. 06-646

1 **WHEREAS, the Legislative Council is exclusively vested with the authority to conduct removal**
2 **upon accusation proceedings when a Nation's official is accused of committing a**
3 **removable offense (Constitution of the Tohono O'odham Nation, Art. XIII; Uniform**
4 **Election Ordinance Article XI, Section 2); and**

5 **WHEREAS, on August 16, 2006, a written accusation for removal from office ("Accusation") was**
6 **filed with the Judiciary Committee Chairperson by registered voter Beverly M. Rivas**
7 **(the "Accuser") against Tohono O'odham Nation Chairwoman Vivian Juan-Saunders**
8 **(the "Accused") alleging the Accused committed a removable offense; and**

9 **WHEREAS, in accordance with Section 2(C) of Article IX of the Uniform Election Ordinance, the**
10 **Judiciary Committee (1) conducted a reasonable cause hearing (2) dismissed**
11 **allegation 2.(1), and (3) found reasonable cause to believe that the Accused committed**
12 **a removable offense as charged in the Accusation pursuant to Judiciary Committee**
13 **Resolution No. 06-07; and**

14 **WHEREAS, the Judiciary Committee did file its resolution and the Accusation with the Legislative**
15 **Council Secretary on September 11, 2006 in accordance with the provisions of Section**
16 **2(D) of Article IX of the Uniform Election Ordinance; and**

17 **WHEREAS, on September 11, 2006, the Tohono O'odham Legislative Council set a removal**
18 **hearing on the Accusation for September 26, 2006 pursuant to Legislative Order No.**
19 **06-583; and**

20 **WHEREAS, on September 11, 2006, the Acting Legislative Council Secretary served the Accused**
21 **and Accuser with notice of the September 26, 2006 removal hearing and copies of (1)**
22 **Legislative Order No. 06-583, (2) the Accusation, (3) Judiciary Committee Resolution**
23 **No. 06-07, and (4) the "Legislative Rules of Procedure Upon Accusation for Removal"**
24 **that were previously adopted by Legislative Council, as required pursuant to Article**
25 **IX, Section 2.D. of the Uniform Election Ordinance; and**

26 **WHEREAS, on September 26, 2006, the Legislative Council convened the removal hearing,**
27 **addressed the Accused's Motion to Challenge the Sufficiency of the Accusation and**
28 **Dismiss, and heard arguments by both parties on the Accused's Motion.**

29 **NOW, THEREFORE, BE IT ORDERED by the Tohono O'odham Legislative Council that it hereby**
30 **grants the Accused's Motion to Challenge the Sufficiency of the Accusation and**
31 **Dismiss and dismisses the Accusation.**

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1 **The foregoing Order was defeated by the Tohono O'odham Legislative Council on the 26TH. Day of**
2 **SEPTEMBER, 2006 at a meeting at which a quorum was present with a vote of 935.9 FOR; 1,504.9**
3 **AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article**
4 **VI Section 1 (a)(1) and Article XIII of the Constitution of the Tohono O'Odham Nation, adopted by**
5 **the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
6 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
7 **18, 1934 (48 Stat. 984).**
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9 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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14 **Verlon M. Jose, Legislative Chairman**

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16 2 day of October, 2006
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19 **ATTEST:**

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23 **Lucille Lopez, Acting Legislative Secretary**

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ACTION: GRANTING THE ACCUSED'S MOTION TO CHALLENGE THE SUFFICIENCY OF THE ACCUSATION AND DISMISS

DATE: SEPTEMBER 26, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL (Vernon J. Smith)	155.40	X			
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35		X		
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80		X		
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80		X		
GU VO 193.1	1. RAYMOND VICTOR ()	96.55		X		
	2. MICHAEL FLORES (Grace Manuel)	96.55		X		X
HICKIWAN 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70	X			
	2. SANDRA ORTEGA ()	83.70		X		
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. JOHN W. LAWSON, SR. ()	84.50		X		
	2. GLORIA RAMIREZ ()	84.50		X		
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90		X		
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90		X		
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X			
	2. PHYLLIS JUAN ()	73.45	X			
SELLS 421.0	1. MARLENE SARAFICIO-JUAN ()	210.50		X		
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50		X		
SIF Oidak 186.7	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Martinez)	93.35		X		
TOTAL		2,440.80	935.9	1,504.9	-0-	[01]

**PASSED VOTES