

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Finding Tohono O'odham Nation Chairwoman Vivian Juan-Saunders Not Guilty of a
Removable Offense as Alleged in Paragraph 1.a. of the Accusation and Removing the
Accused from Office)**

LEGISLATIVE ORDER NO. 06-649

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

10 **WHEREAS, On August 17, 2006, the Accused was served with the Accusation, notice of the**
11 **Judiciary Committee's September 7-8, 2006 reasonable cause hearing, hearing**
12 **procedures, and related attachments; and**

13 **WHEREAS, on September 7-8, 2006, in accordance with Section 2(C) of Article IX of the Uniform**
14 **Election Ordinance, the Judiciary Committee (1) conducted a reasonable cause**
15 **hearing (2) dismissed allegation 2.(1), and (3) found reasonable cause to believe that**
16 **the Accused committed a removable offense as charged in the Accusation pursuant**
17 **to Judiciary Committee Resolution No. 06-07; and**

18 **WHEREAS, the Judiciary Committee did file its resolution and the Accusation with the Legislative**
19 **Council Secretary on September 11, 2006 in accordance with the provisions of Section**
20 **2(C) of Article IX of the Uniform Election Ordinance; and**

21 **WHEREAS, on September 11, 2006, the Tohono O'odham Legislative Council set a removal**
22 **hearing on the Accusation for September 26, 2006 pursuant to Legislative Order No.**
23 **06-583; and**

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

30 **WHEREAS, at the Legislative Council's September 26, 2006 removal hearing, the Accused was**
31 **represented by legal counsel, and was given the opportunity to challenge the**

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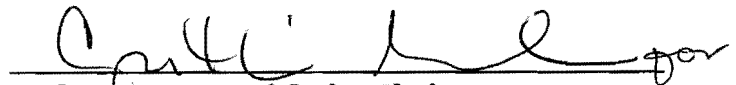
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sufficiency of the accusation, make additional motions, make an opening statement, question the Accuser and Accuser's witnesses, make objections, call and question witnesses, testify on her own behalf, and make a closing argument.

NOW, THEREFORE, BE IT ORDERED by the Tohono O'odham Legislative Council, sitting as a court of removal, finds the Accused, Vivian Juan-Saunders, not guilty of a removable offense as charged in paragraph 1.a. of the Accusation; paragraph 1.(a) of the Accusation is therefore dismissed.

The foregoing Order was passed by the Tohono O'odham Legislative Council on the 27TH. Day of SEPTEMBER, 2006 at a meeting at which a quorum was present with a vote of 968.75 FOR; 1,472.05 AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article V Section 1; Article VI Section 1; Article X Section 7; and Article XIII Section 1 & 3 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


Verlon M. Jose, Legislative Chairman

2 day of October 2006

ATTEST:


Lucille Lopez, Acting Legislative Secretary

ACTION: FINDING TOHONO O'ODHAM NATION CHAIRWOMAN VIVIAN JUAN-SAUNDERS NOT GUILTY OF A REMOVABLE OFFENSE AS ALLEGED IN PARAGRAPH 1.A. OF THE ACCUSATION AND REMOVING THE ACCUSED FROM OFFICE

DATE: SEPTEMBER 27, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	GUILTY	NOT GUILTY	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	968.75	1,472.05	-0-	[01]

**PASSED VOTES