

**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 2.(2) of the Accusation and Removing the
Accused from Office)**

LEGISLATIVE ORDER NO. 06-650

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**
32 **sufficiency of the accusation, make additional motions, make an opening statement,**

LEGISLATIVE ORDER NO. 06-650

(Finding Tohono O'odham Nation Chairwoman Vivian Juan-Saunders Not Guilty of a Removable Offense as Alleged in Paragraph 2.(2) of the Accusation and Removing the Accused from Office)

Page 2 of 2

1 question the Accuser and Accuser's witnesses, make objections, call and question
2 witnesses, testify on her own behalf, and make a closing argument.

3 NOW, THEREFORE, BE IT ORDERED by the Tohono O'odham Legislative Council, sitting as
4 a court of removal, finds the Accused, Vivian Juan-Saunders, not guilty of a
5 removable offense as charged in paragraph 2.(2) of the Accusation; paragraph 2.(2)
6 of the Accusation is therefore dismissed.

7 The foregoing Order was passed by the Tohono O'odham Legislative Council on the 27TH. Day of
8 SEPTEMBER, 2006 at a meeting at which a quorum was present with a vote of 968.75 FOR; 1,472.05
9 AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article
10 V Section 1; Article VI Section 1; Article X Section 7; and Article XIII Section 1 & 3 of the Constitution
11 of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and
12 approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986,
13 pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).
14

15 TOHONO O'ODHAM LEGISLATIVE COUNCIL

16
17
18 
19
20 Verlon M. Jose, Legislative Chairman

21
22 2 day of October, 2006
23

24
25 ATTEST:

26
27 
28
29 Lucille Lopez, Acting Legislative Secretary
30

31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

ACTION: FINDING TOHONO O'ODHAM NATION CHAIRWOMAN VIVIAN JUAN-SAUNDERS NOT GUILTY OF A REMOVABLE OFFENSE AS ALLEGED IN PARAGRAPH 2.(2) 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**