

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

**LEGISLATIVE ORDER NO. 06-651**

- 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. 06-651**

**(Finding Tohono O'odham Nation Chairwoman Vivian Juan-Saunders Not Guilty of a Removable Offense as Alleged in Paragraph 2.(3) of the Accusation and Removing the Accused from Office)**

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**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 2.(3) of the Accusation; paragraph 2.(3) of the Accusation is therefore dismissed.**

**The foregoing Order was passed by the Tohono O'odham Legislative Council on the 27<sup>TH</sup> Day of SEPTEMBER, 2006 at a meeting at which a quorum was present with a vote of 895.3 FOR; 1,545.5 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:**

  
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**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 2.(3) OF THE ACCUSATION AND REMOVING THE ACCUSED FROM OFFICE**

**DATE: SEPTEMBER 27, 2006**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	GUILTY	NOT GUILTY	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> <b>310.8</b>	1. FRANCES MIGUEL (Vernon J. Smtih)	155.40		X		
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40		X		
<b>CHUKUT KUK</b> <b>258.7</b>	1. ETHEL GARCIA ( )	129.35		X		
	2. VERLON M. JOSE (David Garcia)	129.35		X		
<b>GU ACHI</b> <b>221.6</b>	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
<b>GU VO</b> <b>193.1</b>	1. RAYMOND VICTOR ( )	96.55		X		
	2. MICHAEL FLORES (Grace Manuel)	96.55		X		X
<b>HICKIWAN</b> <b>167.4</b>	1. DELMA GARCIA (Mary E. Sam)	83.70		X		
	2. SANDRA ORTEGA ( )	83.70	X			
<b>PISINEMO</b> <b>171.8</b>	1. BARBARA SALVICIO ( )	85.90		X		
	2. GERALD FAYUANT ( )	85.90		X		
<b>SAN LUCY</b> <b>169.0</b>	1. JOHN W. LAWSON, SR. ( )	84.50	X			
	2. GLORIA RAMIREZ ( )	84.50	X			
<b>SAN XAVIER</b> <b>193.8</b>	1. FELICIA NUÑEZ ( )	96.90		X		
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90		X		
<b>SCHUK TOAK</b> <b>146.9</b>	1. FRANCES B. CONDE ( )	73.45		X		
	2. PHYLLIS JUAN ( )	73.45		X		
<b>SELLS</b> <b>421.0</b>	1. MARLENE SARAFICIO-JUAN ( )	210.50	X			
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50	X			
<b>SIF OIDAK</b> <b>186.7</b>	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>895.3</b>	<b>1,545.5</b>	<b>-0-</b>	<b>[01]</b>

\*\*PASSED VOTES