

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving the Continued Operation of a Temporary Tactical Checkpoint by United States Department of Homeland Security, Customs and Border Protection, to Gain Control of the International Border Within the Tohono O'odham Nation)**

**RESOLUTION NO. 08-399**

1 **WHEREAS, the United States Department of Homeland Security, Customs and Border Protection**  
2 **(CBP), is responsible for managing, securing and controlling the International**  
3 **Border within the Tohono O'odham Nation (the Nation); and**

4 **WHEREAS, CBP has operated a tactical checkpoint since October 2007 at mile marker 26.5 on**  
5 **Federal Route 15, with a backup location at mile marker 16.8 on Federal Route 15,**  
6 **and has advised the Nation that all required Environmental Assessments have been**  
7 **completed and approved on the above-identified sites; and**

8 **WHEREAS, CBP has received support from the impacted communities, the Sif Oidak District by**  
9 **District Resolution No. 09-07-23 and No. SODC-08-083, and the North Komelik**  
10 **community; and**

11 **WHEREAS, a tactical checkpoint provides enforcement on the Tohono O'odham Nation in order**  
12 **to deny major routes of egress from the International Border and allow the Border**  
13 **Patrol to establish an additional layer of defense; and**

14 **WHEREAS, it is reported that the tactical checkpoint reduces the number of illegal entries**  
15 **through the Nation, including a reduction of smuggling traffic on Federal Route 15,**  
16 **and reduces illegal activity in the Sif Oidak District; and**

17 **WHEREAS, CBP Border Patrol will operate the checkpoint in a safe manner, with utmost**  
18 **concern for safety of the Tohono O'odham Nation tribal members, and will work**  
19 **cooperatively with the Tohono O'odham Police Department (TOPD), and other**  
20 **partner law enforcement agencies; and**

21 **WHEREAS, CBP Border Patrol has contacted the Tohono O'odham Utility Authority and**  
22 **arranged for power usage at the site; and**

23 **WHEREAS, the temporary tactical checkpoint was previously approved by Tohono O'odham**  
24 **Legislative Council Resolution No. 08-120.**

25 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it hereby**  
26 **approves CBP Border Patrol's continued implementation of a tactical checkpoint**  
27 **on Federal Route 15 at the above-identified sites, provided that the Nation reserves**  
28 **the right to revoke approval by subsequent resolution and further provided that the**  
29 **CBP Border Patrol personnel shall:**

- 30 **1. Consult and coordinate with the Nation's Department of Public Safety (TODPS)**  
31 **to the maximum extent possible, and work with a liaison appointed by the**  
32 **TODPS Director to provide public information and address concerns.**

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- 1                   **2.    Respect the human and civil rights of the Nation's members and respond in a**  
2                   **timely manner to concerns regarding these issues.**
- 3                   **3.    Minimize any environmental impacts of their operations by not destroying**  
4                   **vegetation, littering, or otherwise injuring the Nation's lands, including by not**  
5                   **widening or otherwise expanding existing roads without the express consent**  
6                   **of the Nation.**
- 7                   **4.    Consult with the Nation's Cultural Affairs Office to avoid damage to cultural**  
8                   **sites or interruption of traditional ceremonies or celebrations, and to**  
9                   **immediately notify the Cultural Affairs Office upon gaining knowledge of any**  
10                   **such damage that may occur.**
- 11                   **5.    Refrain from harassing the Tohono O'odham and comply with all applicable**  
12                   **federal laws, including but not limited to those governing searches, seizures,**  
13                   **vehicle and other stops.**
- 14                   **6.    Consider improving existing roads serving the Nation's members and its**  
15                   **communities as a means of improving community relations, lawful**  
16                   **transportation, communications and access.**
- 17                   **7.    Remove vehicles abandoned by smugglers and drug traffickers but refrain**  
18                   **from destroying or unnecessarily damaging such vehicles, which are often**  
19                   **stolen from the Nation's members or other innocent victims.**
- 20                   **8.    Request and receive authorization from the Nation prior to installing,**  
21                   **building, or otherwise establishing infrastructure that is not readily**  
22                   **removable, including but not limited to telephone, electricity, and other**  
23                   **utilities delivery systems.**
- 24                   **9.    Report on checkpoint operations on an ongoing basis as requested by the Sif**  
25                   **Oidak District Chairperson or Vice Chairperson, the Nation's Chairperson, or**  
26                   **the Legislative Council.**

27 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that it hereby approves, for**  
28 **a trial period of one year from the date of this resolution, the CBP Border Patrol's**  
29 **continued operation of a tactical checkpoint on Federal Route 15 at the above-**  
30 **mentioned sites in accordance with the additional limitations set forth in this**  
31 **resolution.**

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(Approving the Continued Operation of a Temporary Tactical Checkpoint by United States Department of Homeland Security, Customs and Border Protection, to Gain Control of the International Border Within the Tohono O'odham Nation)

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 30<sup>TH</sup>. Day of JUNE, 2008 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0- AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Section 1 (d)(2) & (f) of Article VI 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*  
Verlon M. Jose, Legislative Chairman  
1<sup>st</sup> day of July, 2008

ATTEST:

*Lucille Lopez*  
Lucille Lopez, Acting Legislative Secretary  
30 day of June, 2008.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 1<sup>st</sup> day of July, 2008 at 11:07 o'clock, A.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

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

APPROVED

on the 01 day of July, 2008

DISAPPROVED

at 12:15 o'clock, P.M.

*Neil Norris, Jr.*  
NEIL NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 01 day of

July, 2008 at 12:34 o'clock, P.M.

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

**ACTION:** APPROVING THE CONTINUED OPERATION OF A TEMPORARY TACTICAL CHECKPOINT BY UNITED STATES DEPARTMENT OF HOMELAND SECURITY, CUSTOMS AND BORDER PROTECTION, TO GAIN CONTROL OF THE INTERNATIONAL BORDER WITHIN THE TOHONO O'ODHAM NATION

**Moved:** COUNCILWOMAN EVELYN JUAN MANUEL

**Second:** COUNCILMAN TIMOTHY JOAQUIN

**DATE:** JUNE 30, 2008

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL ( <i>Absent</i> ) (Roberta Harvey) ( <i>Present</i> )	158.45	X			
	2. FRANCES G. ANTONE (Vernon Smith)	158.45	X			
CHUKUT KUK 264.8	1. ETHEL GARCIA ( )	132.40	X			
	2. VERLON M. JOSE ( )	132.40	X			X
GU ACHI 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ( )	113.95	X			
GU VO 199.2	1. GRACE MANUEL ( )	99.60	X			
	2. RAYMOND VICTOR ( )	99.60	X			
HICKIWAN 172.0	1. MICHELLE ORTEGA ( )	86.00	X			
	2. SANDRA ORTEGA ( )	86.00	X			X
PISINEMO 182.4	1. CHESTER ANTONE (Tony Murrietta)	91.20	X			
	2. GERALD FAYUANT ( )	91.20	X			
SAN LUCY 181.1	1. LORRAINE EILER ( )	90.55	X			
	2. GLORIA RAMIREZ ( )	90.55	X			X
SAN XAVIER 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			
SCHUK TOAK 154.6	1. FRANCES B. CONDE (Fredrick Jose)	77.30	X			X
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
SELLS 444.7	1. KIMBERLY LISTO ( )	222.35	X			
	2. EVELYN B. JUAN MANUEL ( )	222.35	X			
SIF Oidak 194.4	1. WAVALENE SAUNDERS ( )	97.20	X			
	2. MARY LOPEZ ( )	97.20	X			
<b>TOTAL</b>		<b>2,534.5</b>	<b>2,534.5</b>	<b>-0-</b>	<b>-0-</b>	<b>[04]</b>

**\*\*PASSED VOTES**