

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Enacting Tohono O'odham Code Title 2, Chapter 4 - Livestock Owners, and
Repealing Inconsistent Laws)

RESOLUTION NO. 08-695

1 **WHEREAS, the Legislative Council is vested with the power to provide laws “to promote, protect**
2 **and provide for public health, peace, morals, education and general welfare of the**
3 **Tohono O’odham Nation and its members,” and to “[f]ulfill the responsibilities of**
4 **each generation as trustee of the environment for succeeding generations”**
5 **(Constitution of the Tohono O’odham Nation, Article VI, Section (1)(c)(2) and Article**
6 **XVIII, Section 2(a)); and**

7 **WHEREAS, in recognition of the central importance of livestock on the Nation, the former**
8 **Papago Council enacted numerous laws governing livestock brands, control of**
9 **livestock, permits for livestock buyers, and other matters (Ordinance No. 22;**
10 **Ordinance No. 12, as amended; Ordinance No. 35, as amended); and**

11 **WHEREAS, in an effort to update tribal livestock laws, some of which have been in existence**
12 **without amendment since 1939, representatives of the Papago Council and, later, the**
13 **Legislative Council have drafted numerous versions of an updated, comprehensive**
14 **Nation’s livestock ordinance over the last 30 years (e.g., Resolution No. 403-87**
15 **(defeated)); and**

16 **WHEREAS, over the past three years, the Legislative Agricultural Committee has worked with the**
17 **Nation’s Natural Resources Department to draft livestock laws that are more limited**
18 **in scope; and**

19 **WHEREAS, as a result, a draft Livestock Owners law, which would regulate the branding**
20 **verification, sale, inspection, transfer, and seizure of livestock on the Nation, has**
21 **been drafted and codified for inclusion in the Tohono O’odham Code as Title 2,**
22 **Chapter 4 - Livestock Owners; and**

23 **WHEREAS, Chapter 4 - Livestock Owners has been reviewed with the public at livestock summits**
24 **and other public meetings and was distributed for 30-day public comment periods**
25 **on August 18, 2006 and March 16, 2007; and May 14, 2007; and July 2, 2008; and July 31,**
26 **2008; and**

27 **WHEREAS, it is in the Nation’s best interest to update the Nation’s livestock laws by enacting**
28 **Tohono O’odham Code as Title 2, Chapter 4 - Livestock Owners.**

29

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NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby adopts and enacts Tohono O'odham Code Title 2, Chapter 4 - Livestock Owners.

BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that it hereby repeals the following:

- (1) Resolution No. 48-363, Authorizing Livestock Forms;
Resolution No. 50-463, Tribal Brand Committee;
Resolution No. 50-464, Appointing 5 Members to Tribal Brand Committee;
Resolution No. 71-80, Requiring Bond for Livestock Purchase Permits;
Resolution No. 146-80, Increasing Livestock Fees; and
Resolution No. 147-80, Setting Fees for Livestock Bill Sale Forms.**
- (2) Ordinance No. 10-44, Control Surplus of Livestock, as amended;
Ordinance No. 22-51, Branding Recording Ordinance;
Ordinance No. 35-58, Livestock Buyers Permits; and
Ordinance No. 36-58, Livestock Buyers Permits.**
- (3) Any other provisions of the laws of the Nation that directly conflict with the provisions of Tohono O'odham Code Title 2, Chapter 4 - Livestock Owners; provided that such conflicting provisions shall be deemed repealed only to the extent of the conflict and shall otherwise remain valid.**

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 02ND. Day of DECEMBER, 2008 at a meeting at which a quorum was present with a vote of 1,718.6 FOR; 643.9 AGAINST; 172.0 NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Section (1)(c)(2) of Article VI and Section 2(a) of Article XVIII 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

10th day of December, 2008

RESOLUTION NO. 08-695

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ATTEST:

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

05 day of December, 2008.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 11th day of December, 2008 at 9:17 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

Felicia M. Jose
Verlon M. Jose, Legislative Chairman

APPROVED

on the 15 day of December, 2008

DISAPPROVED

at 8:46 o'clock, a.M.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 15 day of
December, 2008, at 8:50 o'clock, A.M.

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

ACTION: ENACTING TOHONO O'ODHAM CODE TITLE 2, CHAPTER 4 - LIVESTOCK OWNERS, AND REPEALING INCONSISTENT LAWS

MOVED: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILWOMAN GLORIA RAMIREZ

DATE: DECEMBER 02, 2008

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (<i>Absent</i>) (Vernon Smith) (<i>Present</i>)	158.45	X			
CHUKUT KUK 264.8	1. ETHEL GARCIA ()	132.40	X			
	2. VERLON M. JOSE ()	132.40	X			
GU ACHI 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ()	113.95	X			X
GU VO 199.2	1. GRACE MANUEL ()	99.60		X		
	2. RAYMOND VICTOR ()	99.60		X		X
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00			X	X
	2. SANDRA ORTEGA ()	86.00			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			
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 (Frederick Jose)	77.30	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 ROMERO ()	97.20	X			
	2. MARY LOPEZ ()	97.20	X			X
TOTAL		2,534.5	1,718.6	643.9	172.0	[04]

****PASSED VOTES**