

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Requesting Extension to Substantially Implement the Sex Offender Registration and Notification Act of the Adam Walsh Child Protection and Safety Act of 2006)**

**RESOLUTION NO. 09-157**

1 **WHEREAS, the Constitution of the Tohono O'odham Nation authorizes the Legislative Council**  
2 **to “promote, protect and provide for public health, peace, morals education and**  
3 **general welfare of the Tohono O'odham Nation and its members” and to “consult**  
4 **with . . . appropriate federal agencies regarding federal activities that affect the**  
5 **Tohono O'odham Nation” (Constitution, Article VI, Section 1(c)(2), and Section 1(j));**  
6 **and**

7 **WHEREAS, the Tohono O'odham Nation has a compelling interest in safeguarding the lives and**  
8 **health of its children, members, and guests on tribal lands as evidenced by the**  
9 **passage of the Tohono O'odham “Sex Offender Registration and Notification Law” on**  
10 **May 10, 2000; and**

11 **WHEREAS, the “Adam Walsh Child Protection and Safety Act of 2006,” Pub.L. 109-248 (42 U.S.C.**  
12 **§16901 et seq.) (“the Adam Walsh Act”) was enacted on July 27, 2006 with the purpose**  
13 **of establishing a comprehensive national system for registration and public**  
14 **awareness of sex offenders and offenders against children to better protect the**  
15 **public; and**

16 **WHEREAS, the Tohono O'odham Legislative Council voted unanimously to enact Resolution No.**  
17 **07-453, “Electing to Carry Out Subtitle A-Sex Offender Registration and Notification**  
18 **of the Adam Walsh Child Protection and Safety Act of 2006” on July 23, 2007; and**

19 **WHEREAS, the Tohono O'odham Nation has taken steps towards updating Ordinance 2000-02,**  
20 **the Nation’s “Sex Offender Registration and Notification Law,” to meet the**  
21 **requirements under Subtitle A, the “Sex Offender Registration and Notification Act,”**  
22 **(“SORNA”) of the Adam Walsh Act; and**

23 **WHEREAS, the Tohono O'odham Department of Public Safety and Tohono O'odham Police**  
24 **Department continue to develop additional policies and procedures to comply with**  
25 **SORNA; and**

26 **WHEREAS, the deadline to substantially implement SORNA is July 27, 2009, although**  
27 **jurisdictions may submit extension requests to the Office of Sex Offender**  
28 **Sentencing, Monitoring, Apprehending, Registering, and Tracking (“SMART Office”)**  
29 **within the United States Department of Justice by April 27, 2009; and**

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1 WHEREAS, in anticipation of the upcoming extension deadline and deadline for substantial  
2 implementation, the Tohono O'odham Nation is preparing materials for submission  
3 to the SMART Office to request a one-year extension pursuant to SORNA § 124(b).

4 NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby requests  
5 a one-year extension from the Department of Justice pursuant to SORNA § 124(b) in  
6 order to substantially implement SORNA.

7 BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council authorizes and directs  
8 the Nation's Chairperson to submit the extension request no later than April 27, 2009.

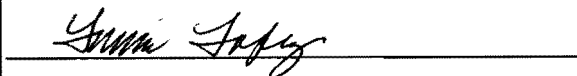
9 The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 26<sup>TH</sup>. Day  
10 of MARCH, 2009 at a meeting at which a quorum was present with a vote of 2,335.3 FOR; -0-  
11 AGAINST; -0- NOT VOTING; and 199.2[08] ABSENT, pursuant to the powers vested in the Council  
12 by Section 1 (c)(1)(2)&(6) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted  
13 by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant  
14 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June  
15 18, 1934 (48 Stat. 984).  
16

17 TOHONO O'ODHAM LEGISLATIVE COUNCIL

18  
19   
20 Verlon M. Jose, Legislative Chairman

21  
22 1<sup>st</sup> day of April, 2009

23 ATTEST:

24  
25   
26 Lucille Lopez, Acting Legislative Secretary

27 26 day of March, 2009.

28  
29 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham  
30 Nation on the 1<sup>st</sup> day of April, 2009 at 10:41 o'clock, a.M.,  
31 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective  
32 upon his approval or upon his failure to either approve or disapprove it within 48 hours of  
33 submittal.  
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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Felicia Toney  
Verlon M. Jose, Legislative Chairman

APPROVED

on the 2<sup>nd</sup> day of April, 2009

DISAPPROVED

at 3:35 o'clock, P.M.

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

Returned to the Legislative Secretary on the 2<sup>nd</sup> day of  
April, 2009, at 4:53 o'clock, P.M.

Deanna Fran for:  
Lucille Lopez, Acting Legislative Secretary

**ACTION: REQUESTING EXTENSION TO SUBSTANTIALLY IMPLEMENT THE SEX OFFENDER REGISTRATION AND NOTIFICATION ACT OF THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006**

**MOVED: COUNCILMAN TIMOTHY JOAQUIN**

**SECOND: COUNCILWOMAN CYNTHIA MANUEL**

**DATE: MARCH 26, 2009**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> <b>316.9</b>	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			X
	2. FRANCES G. ANTONE ( <i>Absent</i> ) (Vernon Smith) ( <i>Present</i> )	158.45	X			
<b>CHUKUT KUK</b> <b>264.8</b>	1. ETHEL GARCIA ( )	132.40	X			
	2. VERLON M. JOSE ( )	132.40	X			X
<b>GU ACHI</b> <b>227.9</b>	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ( )	113.95	X			
<b>GU VO</b> <b>199.2</b>	1. GRACE MANUEL ( )	99.60				X
	2. RAYMOND VICTOR ( )	99.60				X
<b>HICKIWAN</b> <b>172.0</b>	1. MICHELLE ORTEGA ( )	86.00	X			
	2. SANDRA ORTEGA (Louie Lopez)	86.00	X			X
<b>PISINEMO</b> <b>182.4</b>	1. CHESTER ANTONE (Tony Murrietta)	91.20	X			
	2. GERALD FAYUANT ( )	91.20	X			X
<b>SAN LUCY</b> <b>181.1</b>	1. LORRAINE EILER ( )	90.55	X			
	2. GLORIA RAMIREZ ( )	90.55	X			X
<b>SAN XAVIER</b> <b>196.5</b>	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			
<b>SCHUK TOAK</b> <b>154.6</b>	1. FRANCES B. CONDE (Fredrick Jose)	77.30	X			X
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
<b>SELLS</b> <b>444.7</b>	1. KIMBERLY LISTO ( )	222.35	X			
	2. EVELYN B. JUAN MANUEL ( )	222.35	X			
<b>SIF OIDAK</b> <b>194.4</b>	1. WAVALENE ROMERO ( )	97.20	X			
	2. MARY LOPEZ ( )	97.20	X			
<b>TOTAL</b>		<b>2,534.5</b>	<b>2,335.3</b>	<b>-0-</b>	<b>-0-</b>	<b>199.2</b> <b>[08]</b>

**\*\*PASSED VOTES**