

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a One-Year Extension for Continued Operation of a Temporary Tactical Checkpoint
by United States Department of Homeland Security, Customs and Border Protection)

RESOLUTION NO. 09-361

- 1 **WHEREAS, the United States Department of Homeland Security, Customs and Border Protection**
2 **(CBP), is responsible for managing, securing and controlling the International Border**
3 **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, and**
6 **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 previously received support from the impacted communities, the Sif Oidak**
9 **District by District Resolution No. 09-07-23 and No. SODC-08-083, and the North**
10 **Komelik 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 continue to operate the checkpoint in a safe manner, with**
18 **utmost concern for safety of the Tohono O'odham Nation tribal members, and will**
19 **work 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 arranged**
22 **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. 08-399; and**
- 25 **WHEREAS, the Cultural Preservation, Domestic Affairs, and Natural Resources Committees met**
26 **with Sif Oidak District representatives to review and approve a one-year extension for**
27 **the continued operation of a temporary tactical checkpoint by CBP.**
- 28 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it hereby**
29 **approves CBP Border Patrol's continued implementation of a temporary tactical**

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- 1 **checkpoint on Federal Route 15 at the above-identified sites, provided that the Nation**
2 **reserves the right to revoke approval by subsequent resolution and further provided**
3 **that the CBP Border Patrol personnel shall:**
- 4 **(1) consult and coordinate with the Nation's Department of Public Safety (TODPS) to**
5 **the maximum extent possible, and work with a liaison appointed by the TODPS**
6 **Director to provide public information and address concerns;**
- 7 **(2) respect the human and civil rights of the Nation's members and respond in a**
8 **timely manner to concerns regarding these issues;**
- 9 **(3) minimize any environmental impacts of their operations by not destroying**
10 **vegetation, littering, or otherwise injuring the Nation's lands, including by not**
11 **widening or otherwise expanding existing roads without the express consent of the**
12 **Nation;**
- 13 **(4) consult with the Nation's Cultural Affairs Office to avoid damage to cultural sites**
14 **or interruption of traditional ceremonies or celebrations, and to immediately**
15 **notify the Cultural Affairs Office upon gaining knowledge of any such damage that**
16 **may occur;**
- 17 **(5) refrain from harassing the Tohono O'odham and comply with all applicable**
18 **federal laws, including but not limited to those governing searches, seizures,**
19 **vehicle and other stops;**
- 20 **(6) consider improving existing roads serving the Nation's members and its**
21 **communities as a means of improving community relations, lawful**
22 **transportation, communications and access;**
- 23 **(7) remove vehicles abandoned by smugglers and drug traffickers but refrain from**
24 **destroying or unnecessarily damaging such vehicles, which are often stolen from**
25 **the Nation's members or other innocent victims;**
- 26 **(8) request and receive authorization from the Nation prior to installing, building, or**
27 **otherwise establishing infrastructure that is not readily removable, including but**
28 **not limited to telephone, electricity, and other utilities delivery systems;**
- 29 **(9) report on checkpoint operations on an ongoing basis as requested by the Sif Oidak**
30 **District Chairperson or Vice Chairperson, the Nation's Chairperson, or the**
31 **Legislative Council.**

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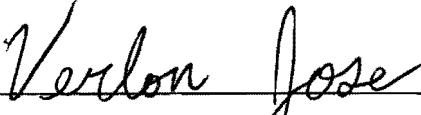
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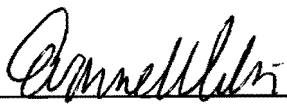
1 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that it hereby approves, for**
2 **one year from the date of this resolution, the CBP Border Patrol's continued**
3 **operation of a temporary tactical checkpoint on Federal Route 15 at the above-**
4 **mentioned sites in accordance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

6 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11TH. Day**
7 **of JUNE, 2009 at a meeting at which a quorum was present with a vote of 2,390.8 FOR; -0- AGAINST;**
8 **-0- NOT VOTING; and 204.7 [03] ABSENT, pursuant to the powers vested in the Council by Article VI**
9 **Section 1 (d)(2)&(f) of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**
10 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
11 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
12 **Stat. 984).**

13 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

14 
15 _____
16 **Verlon M. Jose, Legislative Chairman**
17 24 day of June, 2009

19 **ATTEST:**


20 
21 _____
22 **Evonne Wilson, Legislative Secretary**
23 11 day of June, 2009.

24 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham**
25 **Nation on the 24 day of June, 2009 at 4:12 o'clock, P.M.,**
26 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
27 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
28 **submittal.**

29 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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31 _____
32 **Verlon M. Jose, Legislative Chairman**

37 **APPROVED**

36 
37 on the 24 day of June, 2009

39 **DISAPPROVED**

38 at 11:00 o'clock, A.M.
40 _____
41 **NED NORRIS, JR., CHAIRMAN**
42 **TOHONO O'ODHAM NATION**

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Returned to the Legislative Secretary on the 25 day of

June, 2009, at 11:37 o'clock, a.M.

Evonne Wilson

Evonne Wilson, Legislative Secretary

ACTION: APPROVING A ONE-YEAR EXTENSION FOR CONTINUED OPERATION OF A TEMPORARY TACTICAL CHECKPOINT BY UNITED STATES DEPARTMENT OF HOMELAND SECURITY, CUSTOMS AND BORDER PROTECTION

MOVED: COUNCILWOMAN CYNTHIA E. MANUEL

SECOND: COUNCILMAN TIMOTHY JOAQUIN

DATE: JUNE 22, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 198.7	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			
	2. MARY LOPEZ ()	99.35	X			
SELLS 449.6	1. KIMBERLY LISTO ()	224.80	X			
	2. EVELYN B. JUAN MANUEL ()	224.80	X			
SCHUK TOAK 159.0	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
SAN XAVIER 204.7	1. FELICIA NUÑEZ ()	102.35				X
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35				X
SAN LUCY 187.1	1. LORRAINE EILER (Charlotte Cadavas)	93.55	X			X
	2. GLORIA RAMIREZ ()	93.55	X			
PISINEMO 184.5	1. CHESTER ANTONE (<i>Absent</i>) (Tony Murrietta) (<i>Present</i>)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
HICKIWAN 174.5	1. MICHELLE ORTEGA ()	87.25	X			
	2. SANDRA ORTEGA ()	87.25	X			
GU VO 206.3	1. GRACE MANUEL ()	103.15	X			
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			
GU ACHI 230.1	1. TIMOTHY L. JOAQUIN ()	115.05	X			
	2. CYNTHIA E. MANUEL ()	115.05	X			
CHUKUT KUK 277.0	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ()	138.50	X			
BABOQIVARI 324.0	1. FRANCES MIGUEL (<i>Absent</i>) (Roberta Harvey) (<i>Present</i>)	162.0	X			
	2. FRANCES G. ANTONE ()	162.0	X			
TOTAL		2,595.50	2,390.8	-0-	-0-	204.7 [03]