

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending Tohono O'odham Code Title 6, Chapter 1, Courts and Procedures)**

**DEFEATED
RESOLUTION NO. 09-512**

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Tohono O'odham Legislative**
2 **Council with the power to set judicial compensation, appoint judges, approve Judicial**
3 **Branch budgets, and enact laws governing certain other aspects of the Nation's courts**
4 **(Constitution, Article V, Section 1, Article VI, Section 1 and Article VIII); and**

5 **WHEREAS, in December 2006 the Legislative Council passed a Courts and Procedures law but the**
6 **enacting resolution was vetoed and the veto was not overridden (Resolution No. 06-**
7 **818); and**

8 **WHEREAS, in December 2008 the Legislative Council repealed the Nation's conflicting and**
9 **unconstitutional court laws and enacted Tohono O'odham Code Title 6, Chapter 1,**
10 **Courts and Procedures, which addresses the jurisdiction of the Nation's courts,**
11 **qualifications and appointment of judges, the publication of court opinions and rules,**
12 **and other matters pertaining to the Judicial Branch (Resolution No. 08-704, veto**
13 **overridden by Resolution No. 08-713); and**

14 **WHEREAS, on December 30, 2008 the Judicial Branch filed a petition for injunctive and**
15 **declaratory relief *In Re: Petition of the Judicial Branch*, Case No. 2008-0283AV and on**
16 **December 31, 2008 obtained an emergency preliminary injunction preventing the**
17 **Courts and Procedures law from taking effect; and**

18 **WHEREAS, on January 8, 2009 the Legislative Council directed the Legislative Attorney's Office,**
19 **acting under the direction of the Judiciary Committee and Council officers to**
20 **intervene in the case to defend the constitutionality of the Courts and Procedures law**
21 **(Legislative Order 09-019); and**

22 **WHEREAS, the Legislative Council subsequently moved to intervene in the case, filed a**
23 **counterclaim against the Judicial Branch alleging the administrative order governing**
24 **the court's rules of procedure was unconstitutional, moved to modify the preliminary**
25 **injunction to allow most of the Courts and Procedures law to take effect, and moved**
26 **to set a hearing on the Council's motions; and**

27 **WHEREAS, on January 27, 2009 the Legislative Council was permitted to argue its motion to**
28 **intervene and the preliminary injunction was modified January 28, 2009 as the**
29 **Council had requested; and**

30 **WHEREAS, on April 15, 2009 the Judicial Branch rescinded the court administrative order that the**
31 **Council alleged was unconstitutional and the Council subsequently withdrew its**
32 **counterclaim against the rescinded order; and**

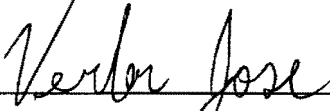
33 **WHEREAS, a settlement of *In Re: Petition of the Judicial Branch* has been proposed in which the**
34 **Judicial Branch will dismiss its case and one subsection of the Courts and Procedures**
35 **law will be amended; and**

1 **WHEREAS, it is in the Nation's best interest to amend Tohono O'odham Code Title 6, Chapter 1,**
2 **Courts and Procedures in accordance with the attached September 2009 Amendments,**
3 **which are hereby incorporated by this reference.**


4 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that Tohono**
5 **O'odham Code Title 6, Chapter 1, Courts and Procedures is hereby amended in**
6 **accordance with the September 2009 Amendments.**

7 **The foregoing Resolution was defeated by the Tohono O'odham Legislative Council on the 17TH,**
8 **Day of SEPTEMBER, 2009 at a meeting at which a quorum was present with a vote of 1,157.25 FOR;**
9 **1,263.75 AGAINST; -0- NOT VOTING; and 174.5[07] ABSENT, pursuant to the powers vested in the**
10 **Council by Article V, Section 1; Article VI, Section 1; and Article VIII of the Constitution of the**
11 **Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and**
12 **approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986,**
13 **pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**
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15 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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17 _____
18 **Verlon M. Jose, Legislative Chairman**
19 23 day of September, 2009

20 **ATTEST:**

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23 **Evonne Wilson, Legislative Secretary**
24 17 day of September, 2009.
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**DEFEATED
RESOLUTION NO. 09-512**

ACTION: AMENDING TOHONO O'ODHAM CODE TITLE 6, CHAPTER 1, COURTS AND PROCEDURES

Moved: COUNCILWOMAN KIMBERLY LISTO

SECOND: COUNCILWOMAN LINDA PARLEY

DATE: SEPTEMBER 17, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 198.7	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			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			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		
	2. GLORIA RAMIREZ ()	93.55		X		
PISINEMO 184.5	1. CHESTER ANTONE (Tony Murrietta)	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		X
CHUKUT KUK 277.0	1. ETHEL GARCIA (<i>Absent</i>) (Sara Mae Williams) (<i>Present</i>)	138.50	X			
	2. VERLON M. JOSE ()	138.50	X			X
BABOQUIVARI 324.0	1. FRANCES MIGUEL (Roberta Harvey)	162.0		X		X
	2. FRANCES G. ANTONE ()	162.0		X		
TOTAL		2,595.50	1,157.25	1,263.75	-0-	174.5 [07]