

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Enacting Tohono O'odham Code Title 1, Chapter 2, "Sovereign Immunity;**  
**Legislative Immunity")**

**RESOLUTION NO. 10-116**

1 **WHEREAS, the Constitution of the Tohono O'odham Nation provides that "[a]ll legislative powers**  
2 **of the Tohono O'odham Nation shall be vested in the Tohono O'odham Council," and**  
3 **vests the Legislative Council with the power to "enact laws, ordinances and resolutions**  
4 **necessary or incidental to the exercise of its legislative powers" (Constitution, Article**  
5 **V, Section 1 and Article VI, Section 1(l)); and**

6 **WHEREAS, the Constitution affirms that the Nation and its government are vested with sovereign**  
7 **powers, authority and jurisdiction, and the Tohono O'odham Judicial Court has**  
8 **repeatedly recognized that the Nation, its officials, employees, districts, and**  
9 **enterprises are vested with sovereign immunity as an attribute of the Nation's**  
10 **sovereignty (Constitution, Preamble and Article I); and**

11 **WHEREAS, the Legislative Council has recognized the Nation's sovereign immunity and has**  
12 **enacted numerous laws authorizing districts, enterprises, and other entities to waive**  
13 **sovereign immunity; and**

14 **WHEREAS, the Legislative Council also has enacted specific waivers in order to enter loan**  
15 **agreements, the public safety retirement system joinder agreement, the class III**  
16 **tribal-state gaming compact, various contracts, and other arrangements; and**

17 **WHEREAS, a draft law reaffirming sovereign immunity and legislative immunity, and addressing**  
18 **related matters was presented to the Domestic Affairs and Judiciary Committees,**  
19 **reviewed by the Office of the Attorney General, and provided to the Rules Committee;**  
20 **and**

21 **WHEREAS, it is in the Nation's best interest to clarify the law of sovereign and legislative immunity**  
22 **by enacting Tohono O'odham Code Title 1, Chapter 2, "Sovereign Immunity; Legislative**  
23 **Immunity," which is incorporated by this reference.**

24 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby enacts**  
25 **Tohono O'odham Code Title 1, Chapter 2, "Sovereign Immunity; Legislative Immunity."**

26 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06<sup>TH</sup> Day**  
27 **of APRIL, 2010 at a meeting at which a quorum was present with a vote of 2,411.0 FOR; 184.50**  
28 **AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by**  
29 **Preamble; Article I; Article V, Section 1; and Article VI, Section 1 of the Constitution of the Tohono**  
30 **O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by**  
31 **the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to**  
32 **Section 16 of the Act of June 18, 1934 (48 Stat. 984).**  
33  
34

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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

*Verlon Jose*

**Verlon M. Jose, Legislative Chairman**

6 day of April, 2010

**ATTEST:**

*Evonne Wilson*

**Evonne Wilson, Legislative Secretary**

6 day of April, 2010.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 6 day of April, 2010 at 1:05 o'clock, P..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 Jose*

**Verlon M. Jose, Legislative Chairman**

APPROVED

on the 6<sup>th</sup> day of April, 2010

DISAPPROVED

at 3:29 o'clock, P..M.

*Ned Norris, Jr.*

**NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 6 day of

April, 2010, at 3:31 o'clock, P..M.

*Evonne Wilson*

**Evonne Wilson, Legislative Secretary**

ACTION: ENACTING TOHONO O'ODHAM CODE TITLE 1, CHAPTER 2, "SOVEREIGN IMMUNITY; LEGISLATIVE IMMUNITY"

MOVED: COUNCILWOMAN EVELYN JUAN MANUEL

SECOND: COUNCILWOMAN KIMBERLY LISTO

DATE: APRIL 06, 2010

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 ( <i>Absent</i> ) (Fredrick Jose) ( <i>Present</i> )	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 ( )	93.55	X			
	2. GLORIA RAMIREZ ( )	93.55	X			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 ( <i>Absent</i> ) (Angela Ortiz) ( <i>Present</i> )	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			
BABOQUIVARI 324.0	1. FRANCES MIGUEL ( <i>Absent</i> ) (Roberta Harvey) ( <i>Present</i> )	162.0	X			
	2. FRANCES G. ANTONE ( <i>Absent</i> ) (Vernon Smith) ( <i>Present</i> )	162.0	X			
<b>TOTAL</b>		<b>2,595.50</b>	<b>2,411.0</b>	<b>184.50</b>	<b>-0-</b>	<b>[01]</b>