

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Memorandum of Understanding Between the National Park Service
and the Tohono O'odham Nation)

RESOLUTION NO. 10-400

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with the**
2 **authority to "preserve and cultivate native arts, crafts and traditions" and the power**
3 **to "consult, negotiate and conclude agreements and contracts on behalf of the Tohono**
4 **O'odham Nation with Federal, State and local governments and other Indian tribes"**
5 **(Constitution, Article VI, Section 1(c)(8) and Article VI, Section 1(f)); and**

6 **WHEREAS, as a sovereign tribal government and pursuant to tribal, state, and federal laws,**
7 **including the Native American Graves Protection and Repatriation Act, 25 USC 3001**
8 **et seq. ("NAGPRA"), the Nation is entitled to the repatriation of human remains and**
9 **other cultural items that are identified as culturally affiliated with the Tohono**
10 **O'odham, Paleo Indian, Archaic, or Hohokam cultural groups; and**

11 **WHEREAS, the Tohono O'odham Nation has consistently asserted its sovereign and human right**
12 **to recover human remains and cultural items by enacting the Archaeological**
13 **Resources Protection Ordinance (Ordinance No. 06-84); formally establishing the**
14 **Legislative Cultural Preservation Committee (Resolution No. 81-88); approving an**
15 **intertribal policy on archaeological artifacts and remains (Resolution No. 09-194);**
16 **approving Repatriation law (8 T.O.C. Chapter 2 and Resolution No. 09-137); and by**
17 **establishing, funding, and staffing a Cultural Affairs Program and a Cultural Center**
18 **and Museum; and**

19 **WHEREAS, in accordance with NAGPRA, the National Park Service ("NPS") has consulted with the**
20 **Nation and other Arizona tribes concerning historic and prehistoric human remains**
21 **and funerary objects excavated on federal park service lands; and**

22 **WHEREAS, through consultation, NPS has determined there is cultural affiliation of these human**
23 **remains and funerary objects with the Tohono O'odham Nation, Pascua Yaqui Tribe,**
24 **Ak Chin Indian Community, Gila Indian Community of Arizona, Salt River Pima-**
25 **Maricopa Indian Community, Mescalero Apache Tribe, San Carlos Apache Tribe, Hopi**
26 **Tribe, Zuni Tribe, and the White Mountain Apache Tribe (hereinafter referred to as the**
27 **"culturally affiliated tribes"); and**

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1 WHEREAS, the culturally affiliated tribes have agreed that the NPS will repatriate the human
2 remains and funerary objects to the Nation and have subsequently held discussions
3 on the reburial of these human remains and funerary objects; and

4 WHEREAS, a Memorandum of Understanding Between the National Park Service, United States
5 Department of the Interior, and the Tohono O'odham Nation ("Memorandum of
6 Understanding") has been negotiated with NPS and reviewed by the Cultural
7 Preservation Committee and Domestic Affairs Committee.

8 NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the
9 Memorandum of Understanding between the United States Department of the
10 Interior, National Park Service and the Tohono O'odham Nation in substantially the
11 form attached hereto and authorizes the Chairman of the Tohono O'odham Nation to
12 sign the Memorandum of Understanding.

13 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH Day
14 of OCTOBER, 2010 at a meeting at which a quorum was present with a vote of 2,231.80 FOR; -0-
15 AGAINST; 204.70[01] NOT VOTING; and 159.0[06] ABSENT, pursuant to the powers vested in the
16 Council by Article VI, Section 1 (c)(8) and (f) of the Constitution of the Tohono O'odham Nation,
17 adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy
18 Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act
19 of June 18, 1934 (48 Stat. 984).

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21
22 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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25 Felicia Munoz for
26 Verlon M. Jose, Legislative Chairman

27
28 14th day of October, 2010

29
30 ATTEST:

31 Evonne Wilson
32
33 Evonne Wilson, Legislative Secretary

34
35 12 day of October, 2010.

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37 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham
38 Nation on the 14th day of October, 2010 at 1:16 o'clock, P.M.,
39 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
40 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
41 submittal.

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Felicia Muniz for
Verlon M. Jose, Legislative Chairman

APPROVED

on the 14 day of October, 2010

DISAPPROVED

at 1:45 o'clock, P.M.

Ned Norris, Jr.

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

Returned to the Legislative Secretary on the 14 day of

October, 2010, at 2:39 o'clock, P.M.

Evonne Wilson

Evonne Wilson, Legislative Secretary

ACTION: APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE NATIONAL PARK SERVICE AND THE TOHONO O'ODHAM NATION

MOVED: COUNCILWOMAN SANDRA ORTEGA

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: OCTOBER 08, 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			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	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			
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			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 (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ()	138.50	X			
BABOQUIVARI 324.0	1. FRANCES MIGUEL (Roberta Harvey)	162.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	162.0	X			
TOTAL		2,595.50	2,231.80	-0-	204.70 [01]	159.0 [06]