RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL

(Overriding Veto of Resolution No. 10-460, "Enacting Title 25, Tohono O'odham Code, Chapter 3 – Tohono O'odham Nation Water Code and Repealing Title 25, Tohono O'odham Code, Chapter 3 – Interim Allottee Water Rights Code")

FAILED RESOLUTION NO. 10-461

1	WHEREAS,	${\bf ``Allwaterswhichoriginateinorflowin,intoorthroughtheTohonoO'odhamNation,}$				
2		or which are stored in the Tohono O'odham Nation, whether found on the surface or				
3		underground, are a valuable public resource of the Tohono O'odham Nation to be				
4		protected for the present and future use of the Tohono O'odham Nation as a whole."				
5		(Constitution, Article XVII, Section 1); and				
6	WHEREAS,	the Nation's Constitution provides that the Tohono O'odham Legislative Council				
7		$\hbox{``shall have, consistent with federal law, the control and management of these waters}$				
8		${\bf and shall have the power to: (a) Determine how these waters shall be developed, used}$				
9		and conserved for the greatest public benefit" (Constitution, Article XVII, Section				
10	.	2, (a)); and				
11	WHEREAS,	on November 23, 2010 the Legislative Council approved Resolution No. 10-460,				
12		"Enacting Title 25, Tohono O'odham Code, Chapter 3 – Tohono O'odham Nation Water				
13		Code and Repealing Title 25, Tohono O'odham Code, Chapter 3 – Interim Allottee				
14		Water Rights Code"; and				
15	WHEREAS,	pursuant to Article VII, Section 5 of the Nation's Constitution,				
16		Every law, ordinance, resolution or separate appropriation item passed by the				
17		Tohono O'odham Council shall be presented to the chairman for his approval before				
18		it becomes effective. If he approves, he shall sign it. But if he disapproves, he shall				
19		return it to the Tohono O'odham Council within forty-eight (48) hours, with his				
20		objections. If after consideration, it again passes the council by a majority of two-				
21		thirds (2/3) of the votes cast, it shall become law and he shall sign it notwithstanding				
22		his objections.				
23	WHEREAS,	on November 30, 2010, the Nation's Chairman vetoed Resolution No. 10-460; and				
24	WHEREAS,	pursuant to Article IX, Sections 2(B) and (C) of the Legislative Rules of the Tohono				
25		O'odhamLegislativeCouncil, vetoedlegislationshallbeplacedontheagendaofthe				
26		next legislative session and shall have priority over all items on the legislative				
27		agenda.				
28	NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it overrides					
29		the veto of Resolution No. 10-460, "Enacting Title 25, Tohono O'odham Code, Chapter				
30		3 – Tohono O'odham Nation Water Code and Repealing Title 25, Tohono O'odham				
31		Code, Chapter 3 - Interim Allottee Water Rights Code."				
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	RESOLUTION NO. <u>10-461</u> Overriding Veto of Resolution No. 10-460, "Enacting Title 25, Tohono O'odham Code, Chapter 3 – Tohono 'odham Nation Water Code and Repealing Title 25, Tohono O'odham Code, Chapter 3 – Interim Allottee 'ater Rights Code") age 2 of 2									
1 2 3 4	The foregoing Vetoed Resolution was presented to the Tohono O'odham Legislative Council on the <u>06TH</u> day of <u>DECEMBER</u> , <u>2010</u> at a meeting at which a quorum was present, and by a vote of <u>0</u> FOR <u>0</u> AGAINST; <u>-0-</u> NOT VOTING; and <u>[01]</u> ABSENT, failed to pass because it did not receive a majority of two-thirds (2/3) <u>[1,730.3]</u> of the votes cast as required by Article VII, Section 5 and Article XVII									
5	Section 1 and 2 of the Constitution of the Tohono O'Odham Nation.									
6	TOYONG GIODHAM LEGIGLATINE COUNCIL									
7 8	TOHONO O'ODHAM LEGISLATIVE COUNCIL									
9	Waylon / Man									
10 11	Verlon M. Jose, Legislative Chairman									
12	Verlon M. Jose, Legislative Chairman 1 day of December, 2010									
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17 18	ATTEST:									
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20	Evonne Wilson, Legislative Secretary									
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ACTION: OVERRIDING VETO OF RESOLUTION NO. 10-460, "ENACTING TITLE 25, TOHONO O'ODHAM CODE,

CHAPTER 3 – TOHONO O'ODHAM NATION WATER CODE AND REPEALING TITLE 25, TOHONO O'ODHAM

CODE, CHAPTER 3 - INTERIM ALLOTTEE WATER RIGHTS CODE"

MOVED: COUNCILMAN TIMOTHY JOAQUIN

SECOND: COUNCILMAN EDWARD MANUEL

DATE: DECEMBER 06, 2010

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 198.7	1. WAVALENE ROMERO (Nicholas Jose) 2. MARY LOPEZ	99.35	X X			Х
	()	99.35	Α			
SELLS 449.6	1. KIMBERLY MULL	224.80	x			
	2. EVELYN B. JUAN MANUEL ()	224.80		X		
SCHUK TOAK 159.0	1. FRANCES B. CONDE (Absent) (Fredrick Jose) (Present)	79.50		x		
San Market	2. LINDA PARLEY (Agnes Joaquin)	79.50		X		
SAN XAVIER	1. FELICIA NUÑEZ	102.35		x		
204.7	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35		X		
SAN LUCY	1. LORRAINE EILER	93.55		x		
187.1	2. GLORIA RAMIREZ	93.55	X			
PISINEMO	1. CHESTER ANTONE (Tony Murrietta)	92.25	х			X
184.5	2. EDWARD MANUEL (Gerald Fayuant)	92.25	x			
HICKIWAN	1. MICHELLE ORTEGA	87.25		x		
174.5	2. SANDRA ORTEGA	87.25		X		
GU VO	1. GRACE MANUEL	103.15		X		
206.3	() 2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			
GU ACHI	1. TIMOTHY L. JOAQUIN	115.05	x			·
230.1	2. CYNTHIA E. MANUEL (Louis J. Johnson)	115.05	x			
CHUKUT KUK	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
277.0	(Sara Mae Williams) 2. VERLON M. JOSE ()	138.50	х			X
BABOQUIVARI	FRANCES MIGUEL (Roberta Harvey)	162.0	х		-	·
324.0	(Roberta Harvey) 2. FRANCES G. ANTONE (Vernon Smith)	162.0	х			
	2,595.50	1,635.80	959.70	-0-	[03]	