

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Enacting 23 Tohono O'odham Code Chapter 3 – Speeding)**

**RESOLUTION NO. 15-066**

1   **WHEREAS, the Legislative Council is vested with the power “to enact criminal and civil laws**  
2                   **governing the conduct of any person within the Tohono O’odham Nation” and to**  
3                   **provide laws “to promote, protect and provide for public health, peace, morals,**  
4                   **education and general welfare of the Tohono O’odham Nation and its members.”**  
5                   **(Constitution of the Tohono O’odham Nation, Article VI, Section 1(c)(6) and**  
6                   **1(c)(2)); and**

7   **WHEREAS, in 1975 the Papago Council enacted speeding restrictions pursuant to**  
8                   **Ordinance No. 52; and**

9   **WHEREAS, on June 27, 2005, the Legislative Council (1) enacted the Traffic Code of the**  
10                  **Tohono O’odham Nation, a compilation of the Nation’s traffic laws and included**  
11                  **Ordinance No. 52 - Speed Restrictions, and (2) referred the Traffic Code to the**  
12                  **Domestic Affairs Committee “to be updated and otherwise amended in a**  
13                  **manner that will protect public health, safety, and welfare.” (Resolution No. 05-**  
14                  **361); and**

15   **WHEREAS, the Domestic Affairs Committee recommends that the Nation’s speeding law be**  
16                  **updated in accordance with 23 Tohono O’odham Code Chapter 3 – Speeding,**  
17                  **which is incorporated by this reference and which has received public**  
18                  **comment; and**

19   **WHEREAS, 23 Tohono O’odham Code Chapter 3 - Speeding would decriminalize basic**  
20                  **speeding offenses, create a uniform fine schedule, allow an individual charged**  
21                  **with civil speeding offenses to submit a fine payment to the Judicial Court by**  
22                  **mail or in person without a hearing, and permit fines to be converted to**  
23                  **community service in accordance with procedures adopted by the chief judge;**  
24                  **and**


25   **WHEREAS, it is in the Nation’s best interest to enact 23 Tohono O’odham Code Chapter 3 -**  
26                  **Speeding.**

27   **NOW, THEREFORE, BE IT RESOLVED by the Tohono O’odham Legislative Council that it enacts**  
28                  **23 Tohono O’odham Code Chapter 3 - Speeding, which shall govern the**  
29                  **construction of and penalty for offenses on or after the “Effective Date” as**  
30                  **provided in 23 Tohono O’odham Code Chapter 3, Section 3104.**

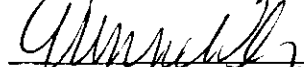
1 **BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that, pursuant to 23  
2 **Tohono O'odham Code Chapter 3, Section 3104(C),**  
3 **Ordinance No. 52 - Speed Restrictions is repealed on the Effective Date, except**  
4 **that Ordinance No. 52 shall remain in effect and govern the construction of and**  
5 **punishment for any offense defined in Ordinance No. 52 that is committed prior**  
6 **to the Effective Date. Such an offense shall be prosecuted, construed, and**  
7 **punished according to Ordinance No. 52 at the time of the commission of the**  
8 **offense, regardless of the actual date of prosecution and sentencing, and in the**  
9 **same manner as if this Chapter 3 - Speeding had not been enacted.**

10 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 05<sup>TH</sup>**  
11 **day of MARCH, 2015 at a meeting at which a quorum was present with a vote of 2,575.4 FOR;**  
12 **371.1 AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council**  
13 **by Article VI, Section 1(c)(1), 1(c)(2), and 1(c)(6) of the Constitution of the Tohono O'odham**  
14 **Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the**  
15 **Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to**  
16 **Section 16 of the Act of June 18, 1934 (48 Stat.984).**

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19 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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21 \_\_\_\_\_  
22 **Timothy Joaquin, Legislative Chairman**  
23 10 day of March, 2015

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28 **ATTEST:**

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31 **Evonne Wilson, Legislative Secretary**  
32 10 day of March, 2015

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35 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**  
36 **O'odham Nation on the 10 day of March, 2015 at 833 o'clock, A .m.,**  
37 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**  
38 **effective upon his approval or upon his failure to either approve or disapprove it within 48**  
39 **hours of submittal.**

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41 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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44 **Timothy Joaquin, Legislative Chairman**  
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**RESOLUTION NO. 15-066**

**(Enacting 23 Tohono O'odham Code Chapter 3 - Speeding)**

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**APPROVED**

on the 11 day of March, 2015

**DISAPPROVED**

at 4:52 o'clock, P.m.

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

Returned to the Legislative Secretary on the 12 day of

March, 2015, at 9:37 o'clock, A.m.

  
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**Evonne Wilson, Legislative Secretary**

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ACTION: ENACTING 23 TOHONO O'ODHAM CODE CHAPTER 3 - SPEEDING

MOVED: COUNCILMAN BILLMAN LOPEZ

SECOND: COUNCILWOMAN ETHEL GARCIA

DATE: MARCH 05, 2015

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 224.2	1. LUCINDA ALLEN (Nicholas Jose)	112.1	X			
	2. MARY LOPEZ ( )	112.1	X			
SELLS 502.0	1. ARTHUR WILSON (Ophella Patten)	251.0	X			
	2. BARBARA HAVIER (Beverly Rivas)	251.0	X			
SCHUK TOAK 174.2	1. FRANCES B. STEPHENS (Anthony J. Rios)	87.1		X		
	2. QUINTIN C. LOPEZ (John Fendenhelm)	87.1		X		
SAN XAVIER 224.2	1. HILARION CAMPUS <i>(Absent)</i> (Daniel L.A. Preston, III) <i>(Present)</i>	112.1	X			
	2. RACHEAL VILSON-STONER <i>(Absent)</i> (Olivia Villegas-Liston) <i>(Present)</i>	112.1	X			X
SAN LUCY 219.6	1. DIANA MANUEL (Gloria Ramirez)	109.8	X			X
	2. JANA MONTANA ( )	109.8	X			
PISINEMO 210.6	1. CHESTER ANTONE (Tony Murrietta)	105.3	X			
	2. EDWARD MANUEL, SR. ( )	105.3	X			
HICKIWAN 196.9	1. LOUIS R. LOPEZ ( )	98.45		X		
	2. SANDRA ORTEGA (Manuel Osequeda, Jr.)	98.45		X		X
HIA CED 19.6	1. PATRICK ANDREWS (Janice E. Paul)	9.8	X			
	2. VIRGINIA GARCIA ( )	9.8	X			
GU VO 241.0	1. GRACE MANUEL (Floyd Flores)	120.5	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	120.5	X			X
GU ACHI 257.3	1. TIMOTHY L. JOAQUIN ( )	128.65	X			
	2. LORETTA LEWIS (Louis Johnson)	128.65	X			
CHUKUT KUK 319.2	1. ETHEL GARCIA (Marlakay C. Henry)	159.6	X			
	2. BILLMAN LOPEZ ( )	159.6	X			
BABOQUIVARI 357.7	1. FRANCES MIGUEL <i>(Absent)</i> (Roberta Harvey) <i>(Present)</i>	178.85	X			
	2. VERNON J. SMITH (Gloria Zazueta)	178.85	X			
<b>TOTAL</b>		<b>2,946.5</b>	<b>2,575.4</b>	<b>371.1</b>	<b>-0-</b>	<b>[04]</b>