

LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Adopting Amended "Tohono O'odham Legislative Council Removal Hearing Procedures" and
Setting Removal Hearing)

LEGISLATIVE ORDER NO. 16-454

- 1 **WHEREAS,** the Legislative Council is exclusively vested the authority to conduct removal
2 upon accusation proceedings when a Nation's official is accused of committing a
3 removable offense (Constitution, Article XIII); and
- 4 **WHEREAS,** the Legislative Council is further authorized to "establish rules and procedures
5 to regulate all meetings of the Tohono O'odham Council" (Constitution, Article VI,
6 Section 1(a)); and
- 7 **WHEREAS,** as the Tohono O'odham Judicial Court has recognized, removal upon accusation
8 hearings are uniquely legislative and political in nature and the Council is
9 exclusively vested with the authority to adopt removal hearing procedures
10 (Francisco v. Legislative Council of the Tohono O'odham Nation, Case No. 89-M-
11 4592 (March 7, 1989)); and
- 12 **WHEREAS,** on August 11, 2016 an accusation for removal from office was filed with the
13 Judiciary Committee Chairperson by a registered voter of the Tohono O'odham
14 Nation against Chairman Rodrick Manuel and Vice Chairwoman Angelita Castillo
15 (the "Accused") in accordance with the provisions of Section 11002, Article X of the
16 Nation's Elections law, 12 T.O.C. Chapter 1; and
- 17 **WHEREAS,** pursuant to the Constitution of the Tohono O'odham Nation and Nation's
18 Elections law, the Accused were provided with written disclosures, were
19 represented by legal counsel, and were given the opportunity to subpoena, call,
20 and question witnesses, testify, make an opening statement and closing
21 argument, file motions, make objections, present evidence, and otherwise
22 answer the Accusation; and
- 23 **WHEREAS,** following the closed reasonable cause hearing, a majority of the Judiciary
24 Committee present determined there is reasonable cause to believe that each of
25 the Accused committed removable offenses as charged in the Accusation; and
- 26 **WHEREAS,** pursuant to 12 T.O.C. Chapter 1, Section 11002(C), the Judiciary Committee filed
27 the accusation with the Council secretary, together with a copy of the Judiciary
28 Committee resolutions supporting its determination; and
- 29 **WHEREAS,** pursuant to 12 T.O.C. Chapter 1, Section 11002(D), "Upon the filing of the
30 accusation and committee resolution as provided in paragraph (C), the secretary
31 of the Council shall cause a copy of the accusation and any removal hearing
32 procedures to be served on the accused with copies to the accuser(s), and require

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1 by written notice of not less than ten days that the accused appear before the
2 Council and answer the accusation"; and

3 **WHEREAS,** the Legislative Council previously adopted the "Tohono O'odham Legislative
4 Council Removal Hearing Procedures," by Legislative Order No. 14-104 to govern
5 removal proceedings before the Council, and the Legislative Rules Committee
6 has drafted amended Procedures dated for reference September 14, 2016, which
7 are incorporated by this reference, to further clarify the removal process; and

8 **WHEREAS,** the Council officers and Rules Committee recommend that the Council conduct a
9 removal hearing on September 27-28, 2016 at the Legislative Council chambers in
10 Sells, Arizona and adopt the amended Procedures.

11 **NOW, THEREFORE, BE IT ORDERED** by the Tohono O'odham Legislative Council that it adopts
12 the amended "Tohono O'odham Legislative Council Removal Hearing
13 Procedures," as dated for reference September 14, 2016, which shall supersede
14 and replace any previous removal hearing procedures.

15 **BE IT FINALLY ORDERED** by the Tohono O'odham Legislative Council that it schedules a removal
16 hearing on September 27-28, 2016 at the Legislative Council chambers in Sells,
17 Arizona; provided that, by majority vote, the Council may extend the hearing.

18 **The foregoing Order was passed by the Tohono O'odham Legislative Council on the 14TH day of**
19 **SEPTEMBER, 2016** at a meeting at which a quorum was present with a vote of **2,815.6 FOR; -0-**
20 **AGAINST; [01] NOT VOTING; and 205.8[07] ABSENT,** pursuant to the powers vested in the Council
21 by Article XIII and Article VI, Section 1(a) of the Constitution of the Tohono O'odham Nation,
22 adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy
23 Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the
24 Act of June 18, 1934 (48 Stat.984).

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26 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

27
28  FOR

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30 **Timothy Joaquin, Legislative Chairman**

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32 20TH day of September, 2016

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36 **ATTEST:**

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39 **Evonne Wilson, Legislative Secretary**

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41 20 day of September, 2016

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ACTION: ADOPTING AMENDED "TOHONO O'ODHAM LEGISLATIVE COUNCIL REMOVAL HEARING PROCEDURES" AND SETTING REMOVAL HEARING

MOVED: COUNCILWOMAN PAMELA ANGHILL

SECOND: COUNCILWOMAN MARY LOPEZ

DATE: SEPTEMBER 14, 2016

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (Roberta E. Harvey)	183.60	X			
	2. VERNON J. SMITH (Gloria Zazueta)	183.60	X			X
CHUKUT KUK 332.1	1. ETHEL GARCIA (Marlakay Henry)	166.05	X			
	2. BILLMAN LOPEZ (Patricia Vicenti)	166.05	X			
GU ACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50	X			
	2. LORETTA LEWIS ()	132.50	X			X
GU VO 250.6	1. GRACE MANUEL (Dallas Lewis)	125.30	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	125.30	X			
HICKIWAN 205.8	1. LOUIS R. LOPEZ (<i>Absent</i>) (Shirley Molina) (<i>Present</i>)	102.90	X			X
	2. SANDRA ORTEGA ()	102.90	X			X
PISINEMO 219.9	1. CHESTER ANTONE ()	109.95	X			X
	2. MONICA K. MORGAN ()	109.95	X			
SAN LUCY 226.5	1. DIANA MANUEL ()	113.25	X			
	2. JANA MONTANA (Gloria Ramirez)	113.25	X		X	
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III ()	114.30	X			
	2. RACHEAL VILSON-STONER (<i>Absent</i>) (Olivia Villegas-Liston) (<i>Present</i>)	114.30	X			X
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ()	90.30	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.30	X			
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75	X			X
	2. BARBARA HAVIER ()	256.75	X			
SIF OIDAK 231.6	1. LUCINDA ALLEN (Nicholas Jose)	115.80	X			
	2. MARY LOPEZ ()	115.80	X			
TOTAL		3,021.4	2,931.1	-0-	[01]	205.8 [07]