

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending Base Roll Definition and Requesting Bureau of Indian Affairs to
Automatically Add Council-Approved Base Roll Additions)**

RESOLUTION NO. 16-523

1 **WHEREAS,** Article II of the Constitution of the Tohono O'odham Nation provides that the
2 membership of the Tohono O'odham Nation shall consist of:

3 (a) All Indians whose names appear on the official census rolls of the Sells
4 and Gila Bend Reservations as of January 1, 1937, and of the San Xavier
5 Reservation as of January 1, 1940, provided that additions and changes
6 may be made to said rolls by the Tohono O'odham Council, subject to the
7 approval of the Secretary of the Interior.

8
9 (b) All children born to resident members.

10
11 (Constitution, Article II, Section 1(a) and (b)); and
12

13 **WHEREAS,** the Constitution of the Tohono O'odham Nation also vests the Tohono O'odham
14 Legislative Council with the authority to "enact laws and ordinances governing
15 the enrollment and adoption of members and the relinquishment and loss of
16 membership consistent with Article II of this constitution." (Constitution, Article
17 VI, Section 1(h)); and

18 **WHEREAS,** the Nation's Enrollment Ordinance, 14 Tohono O'odham Code Chapter 1, defines
19 the term "base roll" as the "official census rolls described in Section 1(a) of
20 Article II of the Constitution, i.e. the official census rolls of the Sells and Gila
21 Bend Reservations as of January 1, 1937, and of the San Xavier Reservation as of
22 January 1, 1940." (Enrollment Ordinance, Article I, Section 2 (3)); and

23 **WHEREAS,** in accordance with the Nation's Constitution, the Legislative Council approves
24 base roll additions and changes by resolution and has submitted the requested
25 additions or changes to the Secretary of Interior for approval; and

26 **WHEREAS,** to date, there are approximately 377 names to be added to the Nation's base roll,
27 subject to the approval of the Secretary of the Interior; and

28 **WHEREAS,** pursuant to the Nation's inherent rights to tribal sovereignty, self-governance,
29 and self-determination and the fact that there is no federal authority or statute
30 that requires the Secretary of the Interior, through the Bureau of Indian Affairs,
31 to approve additions made to the base roll of the Nation, the Nation may clarify
32 by resolution the process for requesting the Bureau of Indian Affairs to
33 automatically add base roll additions to the Nation's base roll; and

34 **WHEREAS,** the Rules Committee, in collaboration with the Enrollment Committee,
35 recommends amending the definition of "base roll" and officially requesting the
36 Bureau of Indian Affairs to automatically add names approved by Council
37 resolution to the Nation's base roll.

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1 **NOW, THEREFORE, BE IT RESOLVED** by the Tohono O'odham Legislative Council that
2 **Enrollment Ordinance, Article I, Section 2 (3) is amended to read:**

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4 **The "base roll" is created by the Nation from the official census rolls of the Sells**
5 **and Gila Bend Reservations as of January 1, 1937, and of the San Xavier**
6 **Reservation as of January 1, 1940; provided that additions and changes may be**
7 **made to said rolls by the Tohono O'odham Council, subject to the approval of the**
8 **Secretary of the Interior solely to the extent such approval is expressly required**
9 **by the Nation's Constitution.**

10
11 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council certifies that the
12 **Nation conducted research and possessed the records in the files of individuals**
13 **that provided sufficient evidence proving the individuals listed in the**
14 **resolutions should be added to the Nation's base roll.**

15 **BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that the Nation
16 **formally requests that the Secretary of Interior automatically approve upon**
17 **receipt all base roll additions approved by resolution of the Legislative Council**
18 **in accordance with the Constitution of the Tohono O'odham Nation or by**
19 **resolution of the Papago Council in accordance with the Constitution and By-**
20 **Laws of the Papago Tribe.**

21 **BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that, notwithstanding
22 **any contrary provisions of 14 Tohono O'odham Code Chapter 1, a person**
23 **approved by Papago Council or Legislative Council resolution for addition to the**
24 **base roll who is one-half (½) degree or more of Papago-Tohono O'odham Indian**
25 **blood shall be deemed adopted into membership pending the approval of the**
26 **Secretary of the Interior.**

27 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 21ST**
28 **day of OCTOBER, 2016 at a meeting at which a quorum was present with a vote of 3,021.4 FOR;**
29 **-0- AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by**
30 **Article II, Section 1(a)and(b), and Article VI, Section 1(h) of the Constitution of the Tohono**
31 **O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved**
32 **by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986,**
33 **pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).**
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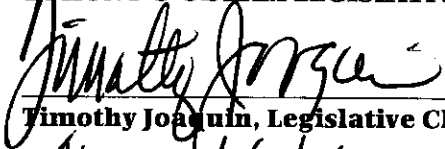
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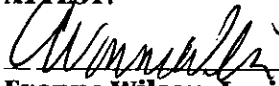
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

21 day of October, 2016

ATTEST:

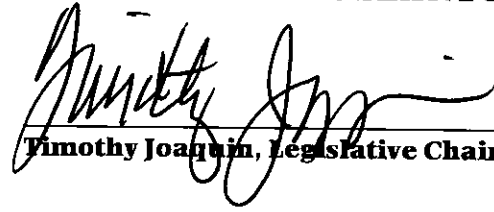


Evonne Wilson, Legislative Secretary

21 day of October, 2016

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 21 day of October, 2016 at 4:11 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



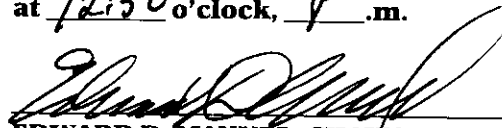
Timothy Joaquin, Legislative Chairman

APPROVED

on the 24 day of October, 2016

DISAPPROVED

at 12:30 o'clock, P.M.



EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 24 day of

October, 2016, at 3:24 o'clock, P.M.



Evonne Wilson, Legislative Secretary

ACTION: AMENDING BASE ROLL DEFINITION AND REQUESTING BUREAU OF INDIAN AFFAIRS TO AUTOMATICALLY ADD COUNCIL-APPROVED BASE ROLL ADDITIONS

MOVED: COUNCILWOMAN LORETTA LEWIS

SECOND: COUNCILWOMAN PAMELA ANGILL

DATE: OCTOBER 21, 2016

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (<i>Absent</i>) (Roberta E. Harvey) (<i>Present</i>)	183.60	X			X
	2. VERNON J. SMITH (Gloria Zazueta)	183.60	X			
CHUKUT KUK 332.1	1. ETHEL GARCIA (Marlakay K. Henry)	166.05	X			
	2. BILLMAN LOPEZ (Patricia Vicenti)	166.05	X			
GUACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50	X			
	2. LORETTA LEWIS ()	132.50	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 (Shirley Molina)	102.90	X			X
	2. SANDRA ORTEGA ()	102.90	X			
PISINEMO 219.9	1. CHESTER ANTONE ()	109.95	X			
	2. MONICA K. MORGAN ()	109.95	X			
SAN LUCY 226.5	1. DIANA MANUEL ()	113.25	X			X
	2. JANA MONTANA (Gloria Ramirez)	113.25	X			
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III (Felicia Nunez)	114.30	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.30	X			
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. (Mario J.B. Juan)	90.30	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.30	X			
SELLS 513.5	1. ARTHUR WILSON (<i>Absent</i>) (Beverly Rivas) (<i>Present</i>)	256.75	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	3,021.4	-0-	-0-	[04]