

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Extending 4 Tohono O'odham Code Chapter 4 Violating a Public Health
Measure to December 31, 2022)**

RESOLUTION NO. 21-475

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,** Indian tribes possess civil jurisdiction over non-members and non-Indians when
8 their conduct threatens or has some direct effect on the political integrity, the
9 economic security, or the health and or welfare of tribe, which includes conduct
10 such as violating COVID-19 public health measures (*Montana v. United States*, 450
11 U.S. 544 (1981)); and

12 **WHEREAS,** Indian tribes also possess the inherent right to exclude non-members from
13 tribally owned lands (*Merrion v. Jicarilla Apache Tribe*, 455 U.S. 130 (1982)); and

14 **WHEREAS,** early in 2020, the outbreak of the novel coronavirus identified as COVID-19 in the
15 United States, including the State of Arizona, caused deep concern for the health
16 and safety of the Tohono O’odham Nation (the “Nation”) and its members, and the
17 preservation of the Nation's culture and economic stability; and

18 **WHEREAS,** the Governor of the State of Arizona declared a Public Health Emergency on
19 March 11, 2020, in order to release federal resources to prepare, mitigate, and
20 respond to the needs of tribal and local jurisdictions; and

21 **WHEREAS,** on March 13, 2020, in response to the rapid spread of COVID-19 in the United
22 States, and confirmed presence in the State of Arizona, the Nation’s Chairman
23 declared a State of Emergency for the Tohono O’odham Nation, and established
24 the Nation’s Unified Command in order to coordinate necessary policies, and
25 direct resources to the Nation in a timely manner; and

26 **WHEREAS,** by Resolution No. 20-094, the Legislative Council authorized the Nation’s
27 Chairman or Vice-Chairwoman or their official designee to prepare, mitigate,
28 prevent, respond, and recover from the COVID-19 pandemic by issuing executive
29 orders to restrict the movement of people, to prohibit meetings, and to require
30 compliance with public health orders and directives; and

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(Extending 4 Tohono O'odham Code Chapter 4 Violating a Public Health Measure to December 31, 2022)

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1 **WHEREAS,** in response to public safety concerns raised by Nation's members about the
2 enforcement of executive orders to the COVID-19 pandemic, the Domestic Affairs
3 and Health and Human Services Committees drafted and recommended 4
4 Tohono O'odham Code Chapter 4, which was enacted by Resolution No. 20-443, to
5 more effectively encourage, educate, and support public health measures,
6 including authorizing civil fines for all individuals who knowingly and repeatedly
7 violate public health measures and orders with an automatic repeal date of June
8 1, 2021; and

9 **WHEREAS,** in response to the continuing COVID-19 pandemic, the Nation's chairperson and
10 vice chairperson, Domestic Affairs and Health and Human Services Committees
11 recommended extending 4 Tohono O'odham Code Chapter 4 until December 31,
12 2021; and

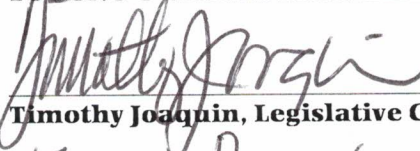
13 **WHEREAS,** by Resolution No. 21-164, the Legislative Council extended the automatic repeal
14 date from June 1, 2021 to December 31, 2021; and

15 **WHEREAS,** after consultations with healthcare providers who are closely monitoring the
16 status of the pandemic and its effects on the Nation, the Nation's chairperson,
17 Domestic Affairs and Health and Human Services Committees recommend
18 extending the automatic repeal date of 4 Tohono O'odham Code Chapter 4 from
19 December 31, 2021 to December 31, 2022.

20 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council extends 4
21 Tohono O'odham Code Chapter 4 - Violating a Public Health Measure law to
22 automatically repeal on December 31, 2022.

23 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 16TH**
24 **day of DECEMBER, 2021 at a meeting at which a quorum was present with a vote of 2,467.05 FOR;**
25 **750.95 AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council**
26 **by, Article VI, Section 1(c)(6) and 1(c)(2) of the Constitution of the Tohono O'odham Nation,**
27 **adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy**
28 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the**
29 **Act of June 18, 1934 (48 Stat.984).**

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31 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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36 **Timothy Joaquin, Legislative Chairman**

37 17 day of December, 2021

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ATTEST:

[Signature]
Evonne Wilson, Legislative Secretary

17 day of December, 2021

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 17 day of December, 2021 at 8:24 o'clock, a.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

[Signature]
Timothy Joaquin, Legislative Chairman

APPROVED

on the 20 day of December, 2021

DISAPPROVED

at 2:35 o'clock, p.m.

[Signature]
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 20 day of

December, 2021, at 2:51 o'clock, p.m.

[Signature]
Evonne Wilson, Legislative Secretary

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ACTION: EXTENDING 4 TOHONO O'ODHAM CODE CHAPTER 4 VIOLATING A PUBLIC HEALTH MEASURE TO DECEMBER 31, 2022

MOVED: COUNCILWOMAN GRACE MANUEL

SECOND: COUNCILWOMAN JANICE FELIX

DATE: DECEMBER 16, 2021

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 245.6	1. MARY LOPEZ (Ann M. Garcia)	122.8	X			
	2. LUCINDA ALLEN (Francis Homewytewa)	122.8	X			
SELLS 556.5	1. ARTHUR WILSON ()	278.25		X		
	2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25		X		
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza)	95.25	X			
	2. DELISA M. RAMON (Sharon A. Francisco)	95.25	X			
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (<i>Absent</i>) (Racheal Vilson-Stoner) (<i>Present</i>)	121.3	X			X
	2. JANICE FELIX (Adam P. Andrews)	121.3	X			
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eiler)	121.9	X			X
	2. ROGER MANUEL (Christina Andrews)	121.9	X			
PISINEMO 232.7	1. MARIETTA MARTIN ()	116.35	X			
	2. EDWARD D. MANUEL (Monica Morgan)	116.35	X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ ()	108.3	X			
	2. SANDRA D. ORTEGA (Delma M. Garcia)	108.3	X			
GU VO 270.7	1. GRACE MANUEL ()	135.35	X			
	2. CYNTHIA SAAVEDRA (Dallas Lewis)	135.35	X			
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN ()	139.25	X			
	2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25	X			
CHUKUT KUK 351.6	1. MARLAKAY HENRY (Billman Lopez)	175.8	X			
	2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8	X			
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone)	194.45	X			
	2. LEANDER MASE (Francine Schooling)	194.45		x		
TOTAL		3,218.0	2,467.05	790.95	-0-	[02]