

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Memorandum of Understanding between the Tohono O'odham Nation
and the Pascua Yaqui Tribe for Prosecutorial Conflict Counsel Assistance)

RESOLUTION NO. 22-414

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation ("Nation") vests the Legislative
2 Council with authority "to promote, protect, and provide for public health, peace,
3 morals, education and general welfare of the Tohono O'odham Nation and its
4 members" and to "consult, negotiate and conclude agreements and contracts on
5 behalf of the Tohono O'odham Nation with Federal, State, and local governments
6 and other Indian tribes or their departments, agencies, or political
7 subdivisions..." (Constitution of the Tohono O'odham Nation, Article VI, Section
8 1(c)(2) and Section 1(f)); and

9 **WHEREAS,** from time to time, the Nation and Pascua Yaqui Tribe prosecutors have familial,
10 business, or other relationships with defendants in their respective jurisdictions
11 that give rise to ethical conflicts and require outside counsel to be brought in to
12 effectuate a prosecution ("prosecutorial conflict counsel"); and

13 **WHEREAS,** if such ethical conflicts exist, the Nation and the Pascua Yaqui Tribe would like to
14 be able to request prosecutorial conflict counsel assistance from the other party
15 so there are no unnecessary delays in pursuing prosecutions; and

16 **WHEREAS,** to facilitate the assistance of prosecutorial conflict counsel from one another, the
17 Nation and the Pascua Yaqui Tribe propose to enter into a Memorandum of
18 Understanding ("MOU"), in substantially the same form as the MOU attached
19 hereto and incorporated herein as Exhibit A; and

20 **WHEREAS,** the Domestic Affairs Committee has reviewed the attached MOU between the
21 Nation and the Pascua Yaqui Tribe for prosecutorial conflict counsel assistance
22 and recommends its approval.

23 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council approves the
24 Memorandum of Understanding between the Tohono O'odham Nation and the
25 Pascua Yaqui Tribe for prosecutorial conflict counsel assistance.

26 **BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that the Tohono O'odham
27 Nation chairperson or any designated official is authorized to execute any
28 documents necessary to implement this resolution.
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Page 2 of 3

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 17th day of NOVEMBER, 2022 at a meeting at which a quorum was present with a vote of 3,218.0 FOR; -0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by, Article VI, Section 1(c)(2) and Section 1(f) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Timothy Joaquin, Legislative Chairman
18 day of November, 2022

ATTEST:


Evonne Wilson, Legislative Secretary
18 day of November, 2022

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 18 day of November, 2022 at 4:04 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 22 day of November, 2022

DISAPPROVED

at 10:00 o'clock, a.m.


NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

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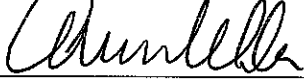
RESOLUTION NO. 22-414

(Approving a Memorandum of Understanding between the Tohono O'odham Nation and the Pascua Yaqui Tribe for Prosecutorial Conflict Counsel Assistance)

Page 3 of 3

Returned to the Legislative Secretary on the 22 day of

November, 2022, at 1:01 o'clock, p.m.



Evonne Wilson, Legislative Secretary

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ACTION: APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOHONO O'ODHAM NATION AND THE PASCUA YAQUI TRIBE FOR PROSECUTORIAL CONFLICT COUNSEL ASSISTANCE**MOVED: COUNCILMAN LEANDER MASE****SECOND: COUNCILWOMAN JANICE FELIX****DATE: NOVEMBER 17, 2022**

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 (Shelia Espino)	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			
	2. JANICE FELIX (Adam P. Andrews)	121.3	X			
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eiler)	121.9	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			X
	2. DELMA M. GARCIA ()	108.3	X			
GU VO 270.7	1. GRACE MANUEL ()	135.35	X			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 (<i>Absent</i>) (Cornelius Antone) (<i>Present</i>)	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	3,218.0	-0-	-0-	[02]