

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Initiate Removal & Exclusion Procedures on Non-Members)

RES. NO. 326-90

1 WHEREAS, several Sells IHS Hospital employees made a request to
2 the Legislative Council's Health & Human Services
3 Committee for a meeting; and
4 WHEREAS, a meeting was conducted on September 5, 1990 at 5:30 p.m.
5 between the hospital employees and the Health & Human
6 Services Committee, in conjunction with the Legislative
7 Chairman, Chairman's Designee of the Executive Office, and
8 the Health Task Force; and
9 WHEREAS, a broad range of oral and written testimonial evidence
10 was presented to the Committee, including a petition of
11 seventy (70) signatures, requesting for the removal of Mr.
12 Don Ade; and
13 WHEREAS, Mr. Ade has demonstrated disrespectful and insolent
14 behavior toward tribal members which poses a clear and
15 continuing danger to their health and safety; and
16 WHEREAS, the evidence provided to the Legislative Health and Human
17 Services Committee, the Legislative Chairman, the
18 Chairman's Designee of the Executive Office, and the
19 Health Task Force warrants sufficient grounds for Removal
20 and Exclusion; and
21 WHEREAS, the U.S. Supreme Court has adjudged that organized Indian
22 Tribes do have the power to exclude non-members from
23 Tribal lands; and
24 WHEREAS, the Tohono O'odham Nation does have an established and
25 adopted Ordinance (No. 02-82) for the Removal and
26 Exclusion of Non-Members, as outlined in Chapter 6 of the
27 Law and Order Code.
28 NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative
29 Council hereby requests the Indian Health Service to
30 remove Don Ade from his position in Sells and refrain from
31 any transfer or reassignment of Mr. Ade to any position
32 which is within the Tohono O'odham Nation or which has any

1 responsibility or authority over matters relating to the
2 Nation or any other Indian Tribe.

3 BE IT FURTHER RESOLVED that, in the event IHS fails to take the
4 foregoing steps, the Tohono O'odham Legislative Council
5 hereby supports and requests the Chairman of the Tohono
6 O'odham Nation, or his designee, to initiate the necessary
7 Removal and Exclusion proceedings against Mr. Don Ade.

8 The foregoing Resolution was passed by the Tohono O'odham Council
9 on the 13th day of September, 1990 at a meeting at which a quorum
10 was present with a vote of 1,724.0 for; -0- against; -0- not
11 voting; 03 absent, pursuant to the powers vested in the Council
12 by Section 1 (c)(7) of Article VI 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).

13 TOHONO O'ODHAM LEGISLATIVE COUNCIL

14 Virgil Lewis
15 for Edward D. Manuel, Legislative Chairman
16 21st day of September, 1990.

17 ATTEST:

18 Teresa M. Choyguha for
19 Teresa M. Choyguha, Legislative Secretary
20 21st day of September, 1990.

21 Said Resolution was submitted for approval to the office of the
22 Chairman of the Tohono O'odham Nation on the 21st day of
SEPTEMBER, 1990, at 11:47 o'clock, 4 .M.,
23 pursuant to the provisions of Section 5 of Article VII of the
24 Constitution and will become effective upon his approval or upon
his failure to either approve or disapprove it within 48 hours of
submittal.

25 TOHONO O'ODHAM LEGISLATIVE COUNCIL

26 Virgil Lewis
27 for Edward D. Manuel, Legislative Chairman
28 [] APPROVED) on the 21st day of September, 1990,
29 [] DISAPPROVED) at 2 o'clock, P .M.

30 Angelo Joaquin Sr.
31 Angelo J. JOAQUIN, SR., Chairman
32 TOHONO O'ODHAM NATION

1 Returned to the Legislative Secretary on the 21st day of
2 September, 1990, at 2:00 o'clock, P.M.
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4 Julianne Sarafino for:
5 Teresa M. Choyguha
Legislative Secretary
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MOVED: John Reno

SUBJECT: Initiate Removal & Exclusion

SECOND: Alex Ramon

Procedures on Non-Members

DATE: September 13, 1990

RESOLUTION NO. 326-90

| DISTRICTS | REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|----------------------|--|------------|---------|---------|------------|--------|
| BABOQUIVARI 229.0 | 1. Earl A. Francisco (Kenneth Chico, Sr.) | 114.5 | X | | | |
| | 2. Joann Garcia (Frances Miguel) | 114.5 | X | | | |
| CHUKUT KUK 163.0 | 1. Rosita Ruiz (Rosemary Lopez) | 81.5 | X | | | X |
| | 2. Kenneth G. Williams (Harriet Toro) | 81.5 | X | | | |
| GU ACHI 166.0 | 1. Percy Lopez () | 83.0 | X | | | |
| | 2. Alex J. Ramon (Fernando Joaquin) | 83.0 | X | | | |
| GU VO 114.0 | 1. Cross Antone (Juan Joe Cipriano) | 57.0 | X | | | X |
| | 2. Virgil Lewis (Michael Flores) | 57.0 | X | | | |
| HICKIWAN 125.0 | 1. Lloyd Francisco (Billy C. Manuel) | 62.5 | X | | | |
| | 2. Lenora Montana () | 62.5 | X | | | |
| PISINEMO 119.0 | 1. Johnson Jose () | 59.5 | X | | | |
| | 2. Edward Manuel (Alex Antone) | 59.5 | X | | | |
| SAN LUCY 106.0 | 1. Albert Manuel, Jr. (Max P. Jose) | 53.0 | X | | | |
| | 2. John Reno () | 53.0 | X | | | |
| SAN XAVIER 127.0 | 1. Eugene Enis, Sr. (Michael Rios) | 63.5 | X | | | X |
| | 2. Joanne C. Preston (Carmelita Mattias) | 63.5 | X | | | |
| SCHUK TOAK 107.0 | 1. JoAnn Francisco (David Valenzuela Sr.) | 53.5 | X | | | |
| | 2. Joseph Juan (Frances Francisco) | 53.5 | X | | | |
| SELLS 310.0 | 1. Joseph T. Joaquin (Larry Garcia) | 155.0 | X | | | |
| | 2. Andrew Patricio (Daniel Lopez) | 155.0 | X | | | |
| SIF OIDAK 158.0 | 1. Mary Ann Antone (Nina Jose) | 79.0 | X | | | |
| | 2. Willard Juan, Sr. (Melissa Gregorio) | 79.0 | X | | | |
| TOTAL | | 1,724.0 | 1,724.0 | -0- | -0- | 03 |

**PASSED VOTES