

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing the Executive Branch of the Nation to
Execute Intergovernmental Agreements with the Arizona
Department of Economic Security which Include Employee
Fingerprinting Requirement Pursuant to ARS-46-141)

RES. NO. 91-152

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3 WHEREAS, the Legislative Council of the Tohono O'odham Nation
4 desires to enter into various contracts with the Arizona
5 Department of Economic Security (AZ-DES) in order to
6 provide services to the members of the Tohono O'Odham
7 Nation; and

8 WHEREAS, the AZ-DES is required by Arizona Revised Statutes 46-141
9 to include special provisions to fingerprint employees of
10 contractors (including volunteers) for background checks
11 to determine if such employees have a history of child
12 abuse, child sexual abuse and other misconduct, and to
13 screen such individuals with a history of that type of
14 criminal conduct and to further prohibit such individuals
15 from filling positions when it requires or allows direct
16 contact with juveniles; and

17 WHEREAS, the Legislative Council of the Nation is of the view that
18 while these requirements are designed to protect and
19 benefit juveniles, including the juveniles of the Tohono
20 O'Odham Nation and supports this goal, the manner in which
21 the State has imposed this requirement ignores the
22 sovereign status of the Tohono O'Odham Nation and impedes
23 the development of government-to-government relations
24 between the State and the Nation; and

25 WHEREAS, the Executive Branch of the Nation has made attempts to
26 negotiate a more satisfactory approach to protect the
27 juvenile service recipients through background screening
28 conducted by the Nation, the State and AZ-DES have been

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unable to agree to such alternatives due to the terms of
ARS 46-141, which makes the requirement mandatory in all
AZ-DES contracts; and

WHEREAS, the Legislative Council finds that it is in the best
interest of the Tohono O'Odham Nation that contracts
between the Nation and AZ-DES continue in order to provide
for the needs of the Nation's membership.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Legislative Council of the Tohono O'Odham Nation
authorizes the Executive Branch and the Chairman to
continue pursuit of such contracts with AZ-DES.
2. Further that the Chairman is authorized to execute such
contracts which include the fingerprinting provision
pursuant to A.R.S. 46-141, provided that it is made
clear through cover letter or such other means as
deemed appropriate that the Nation agrees to abide by
such provision as a matter of contract only, and that
the Nation is not subject to State laws or jurisdiction
generally.
3. The Legislative Council of the Tohono O'Odham Nation
further authorizes that the Executive Branch inform
AZ-DES that in regard to the '91 JTPA- Summer Youth
Employment Program the Nation will now comply,
consistent with the terms of this resolution with the
Special Provision on fingerprinting.

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The foregoing Resolution was passed by the Tohono O'odham Council
on the 22nd day of April, 1991 at a meeting at which a quorum was
present with a vote of 1,494.5 for; -0- against; 229.5 not
voting; 06 absent, pursuant to the powers vested in the Council
by Section 1(f) 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).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Edward D. Manuel
for Edward D. Manuel, Legislative Chairman
22nd day of April, 1991.

ATTEST:

Teresa M. Choyguha
Teresa M. Choyguha, Legislative Secretary
22nd day of April, 1991.

Said Resolution was submitted for approval to the office of the
Chairman of the Tohono O'odham Nation on the 22nd day of
April, 1991, at 5:29 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

Edward D. Manuel
for Edward D. Manuel, Legislative Chairman

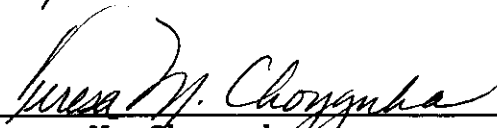
[] APPROVED) on the 22 day of April, 1991,
[] DISAPPROVED) at 9:12 o'clock, P.M.

Angelo J. Joaquin, Sr.
ANGELO J. JOAQUIN, SR., Chairman
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 23rd day of
April, 1991, at 12:34 o'clock, A.M.



Teresa M. Choyguha
Legislative Secretary

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MOVED: COUNCILWOMAN ROSITA RUIZSUBJECT: AUTHORIZING EXEC. BRANCH TO EXECUTE INTER-SECOND: COUNCILMAN LLOYD FRANCISCOGOVERNMENTAL AGREEMENTS W/AZ-DES WHICH INCLUDE EMPLOYEEDATE: APRIL 22, 1991FINGERPRINTING REQUIREMENT PURSUANT TO ARS-46-141

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 229.0	1. Earl A. Francisco (Kenneth Chico)	114.5	X			
	2. Joann Garcia (Frances Miguel)	114.5	X			
CHUKUT KUK 163.0	1. Rosita Ruiz (Rosemary Lopez)	81.5	X			
	2. Kenneth Williams (Harriet Toro)	81.5	X			
GU ACHI 166.0	1. Percy Lopez ()	83.0			X	X
	2. Alex Ramon (Fernando Joaquin)	83.0			X	
GU VO 114.0	1. Cross Antone (Juan Joe Cipriano)	57.0	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			X
PISINENO 119.0	1. Johnson Jose ()	59.5	X			
	2. Edward Manuel (Alex Antone)	59.5	X			X
SAN LUCY 106.0	1. Albert Manuel, Jr. (Max P. Jose)	53.0	X			
	2. John Reno ()	53.0	X			X
SAN XAVIER 127.0	1. Eugene Enis, Sr. (Michael Rios)	63.5	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			X
SBLLS 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			X
	2. Willard Juan, Sr. (Melissa Gregorio)	79.0	X			
TOTAL		1,724.0	1,494.5	-0-	229.5	06

**PASSED VOTES