

TITLE 27 – DISTRICTS

CHAPTER 1 – CREATION OF THE HIA-CED DISTRICT OF THE TOHONO O’ODHAM NATION

*Legislative History: Tohono O’odham Code Title 27, Chapter 1, Creation of the Hia-Ced District of the Tohono O’odham Nation, was approved by Resolution No. 12-423 effective October 30, 2012; amended by Resolution No. 14-240 to add Section 1111 Chapter Not Severable effective June 11, 2014. **The Hia-Ced District was dissolved in its entirety by the Nation’s voters effective April 25, 2015 by Initiative INT-01-14, “Dissolution of the Hia Ced District.”***

INT-01-14

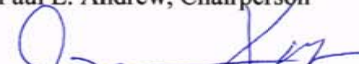
We, the undersigned members of the Tohono O'odham Nation's Election Board hereby certify that we have, in accordance with Article VIII, Section 1806(I) of the Nation's Elections Law, produced an abstract reflecting the votes cast for or against Initiative Measure INT-01-14 in the Election held on April 25, 2015, and hereby, in accordance with Article VIII, Section 1806(J) and Article XIII, Section 11314(A), certify that Initiative Measure INT-01-14 did receive a majority of the votes cast and therefore Initiative Measure INT-01-14 passes:

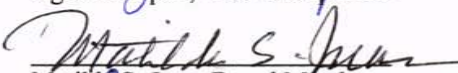
DISTRICT	YES (FOR)	NO (AGAINST)
BABOQUIVARI	153	97
CHUKUT KUK	128	129
GU ACHI	193	83
GU VO	101	34
HIA CED	15	149
HICKIWAN	82	70
PISINEMO	64	103
SAN LUCY	48	78
SAN XAVIER	50	105
SCHUK TOAK	119	103
SELLS	206	139
SIF OIDAK	187	119
TOTAL	1346	1209

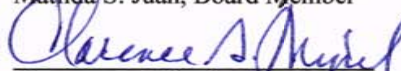
DATED THIS 25TH DAY OF APRIL 2015

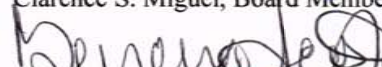
TOHONO O'ODHAM NATION ELECTION BOARD


Paul L. Andrew, Chairperson


Agnes Joaquin, Vice Chairperson


Matilda S. Juan, Board Member


Clarence S. Miguel, Board Member


Geneva S. Acosta, Board Member

Attachment A;

Initiative in its passage will enact the following:

Dissolves the 12th District know as the "Hia Ced" District in its entirety.

All 2013, 2014, 2015 funds whether budgeted or not will be returned for equal distribution to the eleven Districts.

All positions are now terminated. No further payments of any kind will be made or processed whether pending or submitted.

All enrolled transfers to Regional "HC" including voter registrations be restored to original status.

New Hia Ced District members to select parents Regional reference.

Hia Ced District property/purchases/rentals will become the property of the Tohono O'odham Nation.

All compiled information concerning Hia Ced O'odham will be entrusted to the Tohono O'odham until all legal standing is acquired.

Hia Ced District "land", becomes an Executive Branch asset, and not part of any District. Tohono O'dham Nation, Resolution 16-84 will continue in legal and financial assistance to Hia Ced matters.

All Hia Ced District Resolutions become null and void.

All confiscated documents pertaining to Hia Ced District financial findings will remain with proper authorities until full adjudication is completed through Tribal, State, and Federal jurisdictions.

All actions will commence after the enactment of this Initiative.

Serraine Marquez Eiker

TITLE 27 - DISTRICTS

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O’ODHAM NATION**

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TITLE 27 - DISTRICTS

CHAPTER 1 - CREATION OF THE HIA-CED DISTRICT OF THE TOHONO O'ODHAM NATION

Section 1101 Creation of the Hia-Ced District

- (A) Pursuant to Article IX, Section 2 of the Constitution of the Tohono O'odham Nation, the Hia-Ced District is created as a district of the Tohono O'odham Nation.
- (B) The Nation's Hia-Ced O'odham Program shall be terminated on the 30th day after the seating of Hia-Ced District officials elected in accordance with Sections 1106 and 1108 of this chapter.
- (C) The Bylaws of the Hia-Ced O'odham Committee shall be repealed and the Hia-Ced Committee shall be dissolved on the 30th day after seating of Hia-Ced District officials elected in accordance with Sections 1106 and 1108 of this chapter.

Section 1102 District Boundaries

(A) Initial Boundaries

The initial boundaries for the Hia-Ced District shall be the exterior boundaries of the approximately 642.27 acres near Why, Arizona, purchased pursuant to Resolution No. 03-218, acquired in trust for the Tohono O'odham Nation on February 24, 2009, and generally identified as:

PARCEL 1:

LOTS 3 and 4; THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTH HALF OF THE SOUTHEAST QUARTER ALL IN SECTION 1, TOWNSHIP 14 SOUTH, RANGE 5 WEST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA.

PARCEL 2:

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 14 SOUTH, RANGE 5 WEST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA.

PARCEL 3:

THE WEST HALF OF THE SOUTHWEST QUARTER; THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 14 SOUTH, RANGE 5 WEST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA.

PARCEL 4:

THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 14 SOUTH, RANGE 5 WEST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY ARIZONA.

AND THOSE PORTIONS OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 14 SOUTH, RANGE 5 WEST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THOSE DEDICATIONS TO PIMA COUNTY DESCRIBED IN DOCKET 10617, PAGE 226, RECORDS OF PIMA COUNTY, ARIZONA; FURTHER EXCEPTING ANY PORTION THEREOF LYING WITHIN STATE ROUTE 86.

(B) Additional Lands

Pursuant to Article IX, Section 2 of the Nation's Constitution, the Tohono O'odham Legislative Council may change the District's boundaries to include additional lands at any time.

Section 1103 Funding; Expenditures

The Hia-Ced District shall be funded in the same manner as all other districts of the Tohono O'odham Nation, provided that the Hia-Ced District shall maintain internal controls, shall be audited annually by the independent certified public accountants retained by the Nation to prepare the Nation's annual audit, and otherwise shall satisfy requirements established by the Nation's laws for receiving an allocation of gaming revenue or other funding. The Hia-Ced District shall not expend District funds except pursuant to budgets authorized under resolutions of the Hia-Ced District Council and approved by the Tohono O'odham Legislative Council.

Section 1104 Accounts

The Hia-Ced District shall have accounts established for it with the Tohono O'odham Nation's

Accounting Office and Treasurer's Office and in accordance with the Nation's laws. The Hia-Ced District Council shall adopt a resolution declaring whether the District will perform its own accounting functions or utilize the accounting services of the Tohono O'odham Nation, subject to laws of the Nation.

Section 1105 Enrollment

The Enrollment Office of the Tohono O'odham Nation shall provide for the identification of enrolled members by a Hia-Ced District regional reference pursuant to the following terms:

(A) Current Enrolled Members

Notwithstanding any law to the contrary, for the limited purpose of creating a membership listing for the newly created Hia-Ced District, an enrolled member of the Tohono O'odham Nation who has already been assigned an enrollment number may, for a period of three years from the effective date of this chapter, change that member's regional reference, or the regional reference of an enrolled minor on behalf of whom the member has the legal authority to act, to the new Hia-Ced District using the initials "HC." The regional reference may only be changed to the Hia-Ced District; no other regional reference changes are authorized.

(B) New Members

O'odham who are not enrolled members of the Tohono O'odham Nation but who apply for enrollment may request the Hia-Ced District as their regional reference (district designation).

Section 1106 District Council

(A) District Council

The Hia-Ced District shall be governed by a District Council Chairperson, Vice-Chairperson, and five representatives and shall have such powers and duties as are reserved to all of the Nation's districts under the Constitution and laws of the Tohono O'odham Nation. The Hia-Ced District's representatives to the Legislative Council shall be non-voting, ex officio District Council members.

(B) First Election of the Hia-Ced District Council

(1) The first election of the Hia-Ced District Council shall be held in accordance with Section 1108 of this Ordinance. In accordance with Article VI, Section 3(B) of the Uniform Election Ordinance, the first Schedule of Representatives for the Hia-Ced District shall include five members of a District Council elected at large. The Tohono O'odham Legislative Council shall meet within 20 days after the Election

Board has posted its Certificate of Election Results and shall issue a Certificate of Election to the person who received the highest number of votes for each office on the District Council, provided, however, that if an election contest statement is filed within the time period allowed, then no Certificate of Election shall be issued for the contested office or seat until after such election contest.

- (2) The Hia-Ced O’odham Committee shall provide public notices and make a good faith effort to contact all individuals known to claim Hia-Ced O’odham lineage and/or descent and shall provide them an opportunity to register to vote in the Hia-Ced District. An eligible member who wishes to be registered to vote in the Hia-Ced District shall complete a form that has been approved by the Election Board to either transfer the voter’s registration to the Hia-Ced District or to register to vote in the Hia-Ced District. Except as otherwise provided by the Uniform Election Ordinance, such forms shall be submitted to the Hia-Ced O’odham Committee, which, in accordance with the voter registration provisions of the Uniform Election Ordinance shall decide whether a registrant is a qualified voter and shall, at least 30 days prior to the election provided under Section 1108, forward its resolution and the registration to the Election Board. The Board shall add the qualified registrant’s name to the Official List of Registered Voters.

Section 1107 Legislative Council

At the first election of the Hia-Ced District Council, the voters of the Hia-Ced District shall elect two representatives and two alternates to the Tohono O’odham Legislative Council pursuant to Article V, Section 1 of the Constitution of the Tohono O’odham Nation. The Legislative Council shall issue certificates of election to the representatives and alternates within 20 days after the Election Board issues its certificate of election results, subject to the Uniform Election Ordinance provisions governing election contests.

Section 1108 Elections

Unless provided otherwise by law, the first election for Hia-Ced District officials and Hia-Ced District representatives and alternates to the Legislative Council shall be conducted in accordance with the applicable provisions of the Uniform Election Ordinance, Tohono O’odham Code, Title 12, Chapter 1, as may be amended, Article X of the Constitution of the Tohono O’odham Nation, applicable resolutions of the Tohono O’odham Legislative Council, and an election schedule approved by the Tohono O’odham Legislative Council.

Section 1109 Equal Footing

(A) Rights and Privileges

The Hia-Ced District shall have the same privileges, authorities, and duties as the other 11 districts of the Tohono O’odham Nation, or any additional districts that may be later

created. Any laws of the Nation applicable to all districts or referring to the 11 districts shall, upon the effective date of this chapter, be interpreted to include the Hia-Ced District.

(B) Allocations

Notwithstanding the provisions of Section 1109(A), the Hia-Ced District shall be eligible for allocations of gaming and other revenues effective August 1, 2013.

Section 1110 Prior and Inconsistent Legislation

The provisions of this chapter shall supersede any conflicting provisions contained in the laws of the Tohono O’odham Nation.

Section 1111 Chapter Not Severable

Notwithstanding 1 Tohono O’odham Code Chapter 1, the provisions of this chapter are not severable and if any word, clause, phrase, sentence, subsection, section, or other provision or its application to any person or circumstance is held invalid by a court of competent jurisdiction, this entire chapter shall be invalid.