

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Adopting May 2012 Amendments to 6 Tohono O'odham Code Chapter 1, Courts
and Procedures)**

RESOLUTION NO. 12-169

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Tohono O'odham Legislative**
2 **Council with the power to appoint and remove judges, protect and promote individual**
3 **rights, and to enact laws providing for the administration of justice and other aspects**
4 **of the Nation's justice system (Constitution, Article III, Article V, Section 1, Article VI,**
5 **Section 1 and Article VIII); and**

6 **WHEREAS, in December 2008, the Legislative Council repealed the Nation's outdated and**
7 **conflicting court laws and enacted 6 Tohono O'odham Code Chapter 1, Courts and**
8 **Procedures, which addresses the jurisdiction of the Nation's courts, qualifications and**
9 **appointment of judges, the protection and promotion of individual rights, publication**
10 **of court opinions and rules, and other matters pertaining to the Judicial Branch**
11 **(Resolution No. 08-704, veto overridden by Resolution No. 08-713); and**

12 **WHEREAS, on December 30, 2008, the Judicial Branch filed a petition for injunctive and**
13 **declaratory relief *In Re: Petition of the Judicial Branch*, Case No. 2008-0283AV alleging**
14 **that five provisions of the Courts and Procedures law were unconstitutional; and**

15 **WHEREAS, in May 2011 the trial court ruled that some of the contested provisions of the law were**
16 **constitutional but that others were unconstitutional, and an appeal of the trial court's**
17 **ruling is now pending; and**

18 **WHEREAS, the Legislative Council continues to exercise its legislative power to clarify and amend**
19 **the Nation's laws (Resolution No. 11-489, amending Courts and Procedures Section**
20 **1209); and**

21 **WHEREAS, the Judiciary Committee accordingly recommends that the Legislative Council amend**
22 **6 Tohono O'odham Code Chapter 1, in accordance with the May 2012 Courts and**
23 **Procedures amendments, which are incorporated by this reference.**

24 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby adopts**
25 **the May 2012 Courts and Procedures amendments.**

26 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11TH Day**
27 **of MAY, 2012 at a meeting at which a quorum was present with a vote of 2,438.60 FOR; -0- AGAINST;**
28 **-0- NOT VOTING; and 342.0[05] ABSENT, pursuant to the powers vested in the Council by Article III;**
29 **Article V, Section 1; Article VI, Section 1; and Article VIII of the Constitution of the Tohono**
30 **O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by**
31 **the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to**
32 **Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin

Timothy Joaquin, Legislative Chairman

15 day of May, 2012

ATTEST:

Evonne Wilson

Evonne Wilson, Legislative Secretary

14 day of May, 2012.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 15 day of May, 2012 at 9:01 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

Timothy Joaquin

Timothy Joaquin, Legislative Chairman

APPROVED

on the 16th day of May, 2012

DISAPPROVED

at 5:03 o'clock, P.M.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 17 day of

May, 2012, at 8:17 o'clock, A.M.

Evonne Wilson

Evonne Wilson, Legislative Secretary