

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Adopting "Building Codes" as 18 Tohono O'odham Code Chapter 3)

DEFEATED
RESOLUTION NO. 12-330

- 1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Tohono O'odham Legislative**
2 **Council with the 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" (Constitution, Article 1(c)(2)); and**
- 5 **WHEREAS, the Tohono O'odham Nation's Uniform Housing Code of 1964, the National Electrical**
6 **Code of 1965, and the Fire Prevention Code of 1965, currently compiled in Title 18,**
7 **Chapter 3 of the Tohono O'odham Code, are in need of an update; and**
- 8 **WHEREAS, the Nation's members suffer from a chronic shortage of safe and affordable housing;**
9 **and**
- 10 **WHEREAS, in the absence of updated building codes and a building inspections and code**
11 **enforcement infrastructure, houses and other structures on the Nation are likely to**
12 **continue to be constructed in an unsafe manner; and**
- 13 **WHEREAS, the Housing Committee has met with the Nation's Planning and Economic**
14 **Development Department, Fire Department, Environmental Protection Office, Natural**
15 **Resources Department, Health and Human Services Department, Tohono O'odham**
16 **Utility Authority, and Ki:Ki Association (collectively, "Building Codes Working Group")**
17 **to review and discuss which model building codes would best serve the Nation and its**
18 **members; and**
- 19 **WHEREAS, the Building Codes Working Group recommends adopting the "Building Codes" as 18**
20 **Tohono O'odham Code Chapter 3, which includes codes addressing structural,**
21 **plumbing, electrical, mechanical, and other construction standards; and**
- 22 **WHEREAS, while Title I of the Americans with Disabilities Act of 1990, as amended, excludes**
23 **Indian tribes from the designated "employers" who are required to reasonably**
24 **accommodate qualified disabled employees and Title I is not binding on the Nation,**
25 **the Legislative Housing Committee believes it is in the Nation's best interest to**
26 **voluntarily adopt the ADA Accessibility Guidelines for Buildings and Facilities without**
27 **accepting the application of the ADA as a whole to the Nation; and**
- 28 **WHEREAS, each model building code includes an "Administration" chapter which provides for**
29 **plans review and approval, permitting, fee schedules, building inspections, and**
30 **enforcement that is designed to and capable of holding builders accountable; and**
- 31 **WHEREAS, the Nation's Planning and Economic Development Department has full-time building**
32 **inspectors on staff and is best qualified to administer the codes within 18 Tohono**
33 **O'odham Code Chapter 3, Building Codes, but the Department requires additional**
34 **time to develop a plan for fully implementing the Building Codes; and**

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1 **WHEREAS, the Housing Committee and Building Codes Working Group scheduled, provided**
2 **notice, and met with the Nation's members at four public hearings in June 2012; and**

3 **WHEREAS, a majority of the Nation's members who attended the public hearings expressed**
4 **support for the adoption of updated building codes; and**

5 **WHEREAS, it is in the best interest of the Nation to adopt the "Building Codes" as 18 Tohono**
6 **O'odham Code Chapter 3.**

7 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it adopts the**
8 **"Building Codes" as 18 Tohono O'odham Code Chapter 3, provided that:**

9 **(1) Resolutions No. 67-1565, 67-1566, 1567, 1568, 1569 and 18 Tohono O'odham Code**
10 **Chapter 3, Articles 1, 2, and 3 are repealed.**

11 **(2) Any other laws of the Nation that directly conflict with the provisions of the**
12 **"Building Codes" are repealed to the extent of the conflict.**

13 **(3) The ADA Accessibility Guidelines for Buildings and Facilities are adopted solely on**
14 **a voluntary basis; the Nation is neither adopting nor conceding to the application**
15 **of provisions of the Americans with Disabilities Act of 1990, as amended, that are**
16 **otherwise inapplicable to the Nation.**

17 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council directs the Nation's**
18 **Planning and Economic Development Department, within 180 days of the effective**
19 **date of this resolution, to submit to the Legislative Housing Committee and Nation's**
20 **chairperson:**

21 **(1) a written plan for administering and fully implementing the Building Codes, and**

22 **(2) written proposals for the jurisdiction-specific insertions identified in the Building**
23 **Codes.**

24 **The foregoing Resolution was defeated by the Tohono O'odham Legislative Council on the 13TH Day**
25 **of AUGUST, 2012 at a meeting at which a quorum was present with a vote of 1,074.80 FOR; 1,501.20**
26 **AGAINST; 204.60[02] NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council**
27 **by Article I, Section 1(c)(2) of the Constitution of the Tohono O'odham Nation, adopted by the**
28 **Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
29 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
30 **18, 1934 (48 Stat. 984).**
31

32 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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34 **Timothy Joaquin, Legislative Chairman**

35 16 day of August, 2012

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ATTEST:



Evonne Wilson, Legislative Secretary

16 day of August, 2012

ACTION: ADOPTING "BUILDING CODES" AS 18 TOHONO O'ODHAM CODE CHAPTER 3

MOVED: COUNCILWOMAN OLIVIA VILLEGAS-LISTON

SECOND: COUNCILMAN BILLMAN LOPEZ

DATE: AUGUST 13, 2012

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0		X		
	2. FRANCES G. ANTONE (Vernon Smith)	171.0		X		
CHUKUT KUK 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.0	X			
	2. BILLMAN LOPEZ ()	151.0	X			
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN ()	122.45		X		X
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45		X		
GU VO 226.7	1. GRACE MANUEL ()	113.35		X		
	2. PAMELA ANGHILL (Roselda Lewis)	113.35		X		X
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ()	93.15	X			X
PISINEMO 200.7	1. CHESTER ANTONE (Tony Murrietta)	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
SAN LUCY 204.6	1. LORRAINE EILER ()	102.30			X	
	2. JANA MONTANA (Gloria Ramirez)	102.30			X	
SAN XAVIER 215.8	1. HILARION CAMPUS (Racheal Vilson-Stoner)	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X			
SCHUK TOAK 169.8	1. FRANCES B. STEPHENS (Anthony J. Rios)	84.90	X			X
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
SELLS 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85		X		
	2. EVELYN B. JUAN MANUEL ()	237.85		X		
SIF OIDAK 211.9	1. NICHOLAS JOSE ()	105.95		X		
	2. MARY LOPEZ ()	105.95		X		X
TOTAL		2,780.60	1,074.80	1,501.20	204.60 [02]	[05]