

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Deputation Agreement between the Bureau of Indian Affairs Law Enforcement Services and the Tohono O'odham Nation)

RESOLUTION NO. 12-439

1 **WHEREAS, pursuant to the Indian Law Enforcement Reform Act, 25 U.S.C. § 2801-2809, the**
2 **Secretary of the Interior, acting through the Bureau of Indian Affairs ("BIA"), is**
3 **responsible for providing, or assisting in providing, law enforcement in Indian**
4 **Country; and**

5 **WHEREAS, the Secretary has delegated this authority to the Assistant Secretary - Indian Affairs**
6 **and the Assistant Secretary - Indian Affairs has re-delegated this authority to the**
7 **Director of the BIA, who has re-delegated it to the Deputy Bureau Director, Law**
8 **Enforcement Services, BIA; and**

9 **WHEREAS, the Assistant Secretary - Indian Affairs is committed to working with tribal**
10 **governments and tribal law enforcement to strengthen law enforcement in Indian**
11 **country; and**

12 **WHEREAS, on February 10, 2004, the Assistant Secretary - Indian Affairs articulated policy**
13 **guidance to the BIA - as published at 69 Federal Register page 6,321, to govern the**
14 **implementation of Special Law Enforcement Commission Deputation Agreements**
15 **with Indian tribes; and**

16 **WHEREAS, this policy expressly lays out issues regarding good faith efforts on behalf of all parties**
17 **involved in the aforementioned agreements, including as they relate to liability; and**

18 **WHEREAS, the Tohono O'odham Police Department ("TOPD") provides law enforcement services**
19 **to the Tohono O'odham Nation and has expressed a need to deputize its officers with**
20 **Special Law Enforcement Commissions so that TOPD officers can enforce a wide range**
21 **of federal criminal laws within the lands of the Tohono O'odham Nation, and seeks to**
22 **enter into a Deputation Agreement with the BIA Office of Law Enforcement Services;**
23 **and**

24 **WHEREAS, the attached Deputation Agreement has been reviewed by the Domestic Affairs**
25 **Committee, which recommends approval by the Legislative Council.**

26 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
27 **Deputation Agreement Between the Bureau of Indian Affairs Law Enforcement**
28 **Services and the Tohono O'odham Nation substantially in the form attached hereto,**
29 **and authorizes the Chairman of the Tohono O'odham Nation to execute it.**

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06TH Day of NOVEMBER, 2012 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1 (2)(c); Section 1 (c)(6) and Section 1 (f) 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

Timothy Joaquin

Timothy Joaquin, Legislative Chairman

13 day of November, 2012

ATTEST:

Evonne Wilson

Evonne Wilson, Legislative Secretary

9 day of November, 2012.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 13 day of November, 2012 at 11:32 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

Timothy Joaquin

Timothy Joaquin, Legislative Chairman

APPROVED

on the 13 day of November, 2012

DISAPPROVED

at 12:42 o'clock, P.M.

Ned Norris, Jr.

NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 13 day of

November, 2012, at 2:24 o'clock, P.M.



Evonne Wilson, Legislative Secretary

ACTION: APPROVING DEPUTATION AGREEMENT BETWEEN THE BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT SERVICES AND THE TOHONO O'ODHAM NATION

MOVED: COUNCILWOMAN ETHEL GARCIA

SECOND: COUNCILWOMAN CYNTHIA E. MANUEL

DATE: NOVEMBER 06, 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) | 151.10 | X | | | |
| | 2. BILLMAN LOPEZ () | 151.10 | X | | | |
| GU ACHI 244.9 | 1. TIMOTHY L. JOAQUIN () | 122.45 | X | | | |
| | 2. CYNTHIA E. MANUEL (Louis L. Johnson) | 122.45 | X | | | |
| GU VO 226.7 | 1. GRACE MANUEL (Floyd Flores) | 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 | | | |
| PISINEMO 200.7 | 1. CHESTER ANTONE (<i>Absent</i>) (Tony Murrietta) (<i>Present</i>) | 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 | | | |
| | 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 | | | X |
| | 2. MARY LOPEZ () | 105.95 | X | | | |
| TOTAL | | 2,780.60 | 2,780.60 | -0- | -0- | [02] |