

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending Uniform Election Ordinance Article IX)

RESOLUTION NO. 13-170

1 **WHEREAS, the Legislative Council is constitutionally vested with "all of the legislative powers**
2 **vested in the Tohono O'odham Nation" and is vested with exclusive authority to hold**
3 **hearings to consider removal from office of any Legislative Council representative,**
4 **elected officer, or judge of the Tohono O'odham Nation upon accusation (Constitution**
5 **of the Tohono O'odham Nation, Article VI, Section 1 and Article XIII, Section 1; Uniform**
6 **Election Ordinance, Article IX, Section 2); and**

7 **WHEREAS, as the Tohono O'odham Judicial Court has recognized, removal upon accusation**
8 **hearings are uniquely legislative and political in nature, and the Council is exclusively**
9 **vested with the power to conduct removal proceedings in accordance with procedures**
10 **the Council adopts (Francisco v. Legislative Council, 1 TOR 2d 76 (Trial Ct. March 7,**
11 **1989), appeal dism'd, Francisco v. Legislative Council, 2 TOR 2d 14 (Oct. 5, 2004); and**

12 **WHEREAS, while the Nation's Constitution does not require an initial determination of**
13 **reasonable cause before a removal accusation is considered by the Legislative**
14 **Council, Article IX of the Uniform Election Ordinance currently vests the Legislative**
15 **Judiciary Committee with authority to make an initial determination of reasonable**
16 **cause; and**

17 **WHEREAS, it is in the Nation's best interest to amend subsections 2(B)-2(D) of Article IX of the**
18 **Uniform Election Ordinance to allow removals upon accusation to be conducted in**
19 **accordance with the Nation's Constitution while also being heard expeditiously in**
20 **order to protect the public welfare and integrity of the Nation.**

21 **NOW, THEREFORE, BE IT RESOLVED by the Legislative Council that subsections 2(B)-2(D) of Article**
22 **IX of the Uniform Election Ordinance are amended as follows:**

23 **B. Proceedings under this section shall be commenced by the filing with the**
24 **chairperson of the Tohono O'odham Legislative Council of an accusation, in**
25 **writing and under oath, stating the offense charged against the accused in**
26 **ordinary and concise language and signed by a registered voter or voters of the**
27 **Tohono O'odham Nation.**

28 **C. Upon the filing of the accusation the chairperson shall call for a meeting of the**
29 **Legislative Council and shall invite for examination the accuser(s) and the**

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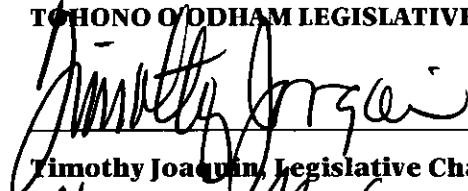
accused and such witnesses as the accuser(s) and the accused may request or as the chairperson may deem necessary.

D. Upon the filing of the accusation as provided in paragraph B, the secretary of the Council shall cause a copy of the accusation and any removal hearing procedures to be served on the accused with copies to the accuser(s), and require by written notice of not less than ten (10) days that the accused appear before the Council and answer the accusation. The accused shall be personally served or, if the accused cannot upon diligent inquiry be found within the Tohono O'odham Nation, service shall be made by certified mail with return receipt, alternate mailing service that provides documentation of delivery at the accused's address, or publication.

BE IT FINALLY RESOLVED by the Legislative Council that the Uniform Election Ordinance amendments adopted by this resolution shall expire June 1, 2014, at which time the provisions of subsections 2(B)-2(D) of Article IX of the Uniform Election Ordinance in effect on May 1, 2013 shall again be in effect.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 20TH Day of MAY, 2013 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0- AGAINST; -0- NOT VOTING; and -0- ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(a) & 1(1) and Article XIII 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, Legislative Chairman
21 day of May, 2013

ATTEST:



Evonne Wilson, Legislative Secretary

20 day of May, 2013.

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 21 day of May, 2013 at 10:07 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, Legislative Chairman

APPROVED

on the 23 day of May, 2013

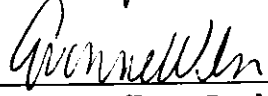
DISAPPROVED

at 9:35 o'clock, A.M.


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

Returned to the Legislative Secretary on the 23 day of

May, 2013, at 9:50 o'clock, A.M.


Evonne Wilson, Legislative Secretary

ACTION: AMENDING UNIFORM ELECTION ORDINANCE ARTICLE IX

MOVED: VICE CHAIRMAN EDWARD MANUEL

SECOND: COUNCILMAN BILLMAN LOPEZ

DATE: MAY 20, 2013

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 (<i>Absent</i>) (Vernon Smith) (<i>Present</i>)	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 ()	113.35	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 (Diana Manuel)	102.30	X			
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
SAN XAVIER 215.8	1. HILARION CAMPUS (Racheal Wilson-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. MARIA ACKERMAN ()	237.85	X			
SIF OIDAK 211.9	1. NICHOLAS JOSE ()	105.95	X			
	2. MARY LOPEZ ()	105.95	X			
TOTAL		2,780.60	2,780.60	-0-	-0-	[-0-]