

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Dismissing Attorney General of the Tohono O'odham Nation)**

RESOLUTION NO. 18-453

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with**
2 **the authority to “promote, protect and provide for public health, peace, morals,**
3 **education and general welfare of the Tohono O'odham Nation and its members”**
4 **and to “employ legal counsel for the protection and advancement of the rights of**
5 **the Tohono O'odham Nation” (Constitution, Article VI, Section 1(c)(2) and Section**
6 **2(a)); and**

7 **WHEREAS, the “Statute Creating the Office of Attorney General of the Tohono O'odham**
8 **Nation” (hereafter, “OAG Statute”) was adopted on October 1, 1989 by Resolution**
9 **No. 326-89, and was subsequently amended on November 6, 1991 by Resolution**
10 **No. 91-500 (regarding coordination with Court Solicitor and other in-house legal**
11 **counsel) and December 16, 2015 by Resolution No. 15-492 (increasing from three**
12 **to ten years the minimum years of experience in the practice of law required for**
13 **the position of attorney general); and**

14 **WHEREAS, by Resolution No. 17-070, the Legislative Council approved the appointment of**
15 **Chadwick Smith as Attorney General of the Tohono O'odham Nation; and**

16 **WHEREAS, the OAG Statute provides in part that the “Attorney General may be dismissed only**
17 **with the concurrence of the Chairman of the Nation and of a majority of the**
18 **Legislative Council” (Section 2(C)); and**

19 **WHEREAS, when the position of Attorney General is vacant, the Deputy Attorney General**
20 **shall serve as Acting Attorney General until the position is permanently filled in**
21 **accordance with Section 2.C. of the Statute Creating the Office of the Attorney**
22 **General (Resolution No. 15-286).**


23 **NOW, THEREFORE, BE IT RESOLVED that Chadwick Smith is dismissed as the Attorney General**
24 **of the Tohono O'odham Nation.**

25 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that, notwithstanding 1**
26 **T.O.C. Chapter 2, Section 2102(A) or any other law, sovereign immunity is not**
27 **waived for any injunctive or declaratory action, or any other action arising from**
28 **or related to this resolution.**

29 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 30TH**
30 **day of NOVEMBER, 2018 at a meeting at which a quorum was present with a vote of 3,084.6 FOR;**
31 **~~0~~-AGAINST; ~~0~~- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by**
32 **Article VI, Section 1(c)(2) and Section 2(a) of the Constitution of the Tohono O'odham Nation,**
33 **adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy**
34 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the**
35 **Act of June 18, 1934 (48 Stat.984).**
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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

30 day of November, 2018

ATTEST:


Evonne Wilson, Legislative Secretary

30 day of November, 2018

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 30 day of November, 2018 at 12:22 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, Legislative Chairman

APPROVED on the 30 day of November, 2018

DISAPPROVED at 1:00 o'clock, P.m.



EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 30 day of
November, 2018, at 1:08 o'clock, P.m.


Evonne Wilson, Legislative Secretary

ACTION: DISMISSING ATTORNEY GENERAL OF THE TOHONO O'ODHAM NATION

MOVED: COUNCILWOMAN GRACE MANUEL

SECOND: COUNCILMAN BILLMAN LOPEZ

DATE: NOVEMBER 30, 2018

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 235.8	1. MARY LOPEZ ()	117.9	X			X
	2. LUCINDA ALLEN (Yolonda Garcia)	117.9	X			
SELLS 527.2	1. ARTHUR WILSON (Evelyn Juan Manuel)	263.6	X			
	2. ADRIANNE TILLER (Idaleen Reyes)	263.6	X			
SCHUK TOAK 185.7	1. ANTHONY J. FRANCISCO JR. <i>(Absent)</i> (Teresa F. Donahue) <i>(Present)</i>	92.85	X			X
	2. QUINTIN C. LOPEZ (Agnes V. Joaquin)	92.85	X			
SAN XAVIER 232.3	1. DANIEL L.A. PRESTON III (Felicia Nunez)	116.15	X			
	2. JANICE FELIX ()	116.15	X			X
SAN LUCY 231.1	1. JANA MONTANA <i>(Absent)</i> (Diana Manuel) <i>(Present)</i>	115.55	X			X
	2. GLORIA RAMIREZ (Lorraine Eiler)	115.55	X			
PISINEMO 225.9	1. CHESTER ANTONE (Caroline D. Garcia)	112.95	X			
	2. MONICA K. MORGAN ()	112.95	X			
HICKIWAN 209.0	1. LOUIS R. LOPEZ <i>(Absent)</i> (Shirley Molina) <i>(Present)</i>	104.5	X			
	2. SANDRA D. ORTEGA ()	104.5	X			
GU VO 256.9	1. GRACE MANUEL ()	128.45	X			
	2. DALLAS LEWIS (Nacho Flores)	128.45	X			
GU ACHI 270.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	135.45	X			
	2. LORETTA LEWIS (Victoria Hobbs)	135.45	X			
CHUKUT KUK 337.7	1. BILLMAN LOPEZ (Patricia Antone)	168.85	X			
	2. VIVIAN JUAN-SAUNDERS (Juanita Homer)	168.85	X			
BABOQUIVARI 372.1	1. FRANCES MIGUEL (Roberta E. Harvey)	186.05	X			
	2. LEANDER MASE (Francine Schooling)	186.05	X			
TOTAL		3,084.6	3,084.6	-0-	-0-	[04]