

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Establishment of an Independent Counsel Office)

RES. NO. 169-89

1 WHEREAS, the Judiciary and Domestic Affairs Committees of the
2 Tohono O'Odham Legislative Council have been delegated
3 the oversight responsibility with respect to the
4 administration of justice and the protection of the
5 public health, peace, moral, education and welfare of
6 the Tohono O'Odham Nation; and

7 WHEREAS, the Legislative Council is empowered by the Constitution
8 of the Tohono O'Odham Nation to provide for the
9 maintenance of law and order and to establish law
10 enforcement agencies; and

11 WHEREAS, Article VI Section 1 (c)(1)(2)(3) and (1) of the
12 Constitution places a responsibility on the Legislative
13 Council to enact laws to guard against evils of
14 conflicts of interest involved in enforcement of laws
15 against highest officials of the Nation's government to
16 ensure that allegations of unlawful conduct by tribal
17 officials are subject to review by counsel independent
18 of any incumbent administration; and

19 WHEREAS, the Legislative Council has been informed that
20 information sufficient to constitute grounds to
21 investigate the Chairman of the Nation has been received
22 by the Tohono O'Odham Police Department; and

23 WHEREAS, both Committees have requested for the appointment of an
24 independent counsel to carry out the function of an
25 independent prosecutor; and

26 WHEREAS, the Legislative Council is satisfied that grounds exist
27 to appoint independent counsel with duties and
28 authorities as provided hereinafter by ordinance of the
29 Legislative Council.

30 NOW, THEREFORE, BE IT RESOLVED by the Tohono O'Odham Legislative
31 Council that it does hereby establish the office of
32 independent counsel subject to the limitations and
provisions hereinafter enacted by ordinance.

The foregoing Resolution was passed by the Tohono O'odham Council on the 19th day of May, 1989 at a meeting at which a quorum was present with a vote of 1,083.0 for; -0- against; 440.0 not voting; and 117.0 (6) absent, pursuant to the powers vested in the Council by Section 1 (b)(c)(1)(2)(3) and (1) of Article VI 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

Harriet Toro
Harriet Toro, Legislative Chairperson
22nd day of May, 1989.

ATTEST:

Teresa M. Choyguha
Teresa M. Choyguha, Legislative Secretary
22nd day of May, 1989.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 22nd day of May, 1989, at 4:34 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

Harriet Toro
Harriet Toro, Legislative Chairperson

[] APPROVED) on the 24 day of May, 1989.
[X] DISAPPROVED) at 3:46 o'clock, P.M.

Angelo J. Ucaquin, Sr.
ANGELO J. UCAQUIN, SR., Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 24th day of May, 1989, at 3:56 o'clock, P.M.

Teresa M. Choyguha
Teresa M. Choyguha
Legislative Secretary

MOVED: Nicholas Jose

SUBJECT: Establishment of an

SECOND: Joann Garcia

Independent Counsel Office

DATE: May 19, 1989

RESOLUTION #169-89

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 169.0	1. Rosita Ruiz (Rosemary Lopez)	84.5	X			
	2. Harriet Toro ()	84.5	X			
HICKIWAN 128.0	1. Lloyd Francisco (Eleanor Santos)	64.0			X	
	2. Henry Ramon (Billy Manuel)	64.0			X	X
GU VO 117.0	1. Cross Antone (Juan Joe Cipriano)	58.5				X
	2. Virgil Lewis (Roy Montana)	58.5				X
SAN LUCY 85.0	1. John Reno ()	42.5	X			
	2. Max Jose (Dewey Ortega)	42.5	X			X
PISINEMO 116.0	1. Edward Manuel (Alex Antone)	58.0	X			
	2. Johnson Jose ()	58.0	X			X
GU ACHI 158.0	1. Fernando Joaquin ()	79.0	X			X
	2. Percy Lopez ()	79.0	X			
BABOQUIVARI 241.0	1. Joann Garcia (Frances Miguel)	120.5	X			
	2. Kenneth Chico, Sr. ()	120.5			X	
SAN XAVIER 126.0	1. Tony Felix (Carmelita Mattias)	63.0	X			
	2. Eugene Enis (Michael Rios)	63.0			X	
SCHUK TOAK 105.0	1. Joseph Juan (Frances Francisco)	52.5	X			
	2. Julia Carrillo (JoAnn Francisco)	52.5	X			
SELLS 257.0	1. Fred Stevens ()	128.5			X	
	2. Andrew Patricio (Daniel Lopez)	128.5	X			
SIF OIDAK 138.0	1. Willard Juan, Sr. (Melissa Gregorio)	69.0	X			
	2. Nicholas Jose (Letitia Garcia)	69.0	X			
TOTAL		1,640.0	1,083.0	-0-	440.0	(6) 117.0