

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Declaring Public Safety Emergency and Adopting Public Safety Emergency Curfew)**

RESOLUTION NO. 22-367

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Legislative Council with
2 the authority to exercise the inherent powers of the Tohono O'odham Nation by
3 providing laws, ordinances or resolutions "to govern the conduct of members of
4 the Tohono O'odham Nation and other persons within its jurisdiction," to
5 "provide for the maintenance of law and order and the administration of justice"
6 and to "enact criminal and civil laws governing the conduct of any person within
7 the Tohono O'odham Nation consistent with federal law" (Constitution, Article VI,
8 Section 1(c)(1) and (6)); and

9 **WHEREAS,** the Legislative Council is vested with "all of the legislative powers vested in the
10 Tohono O'odham Nation" and is expressly vested with the power to "enact laws,
11 ordinances and resolutions necessary or incidental to the exercise of its
12 legislative powers" (Constitution, Article VI, Section 1 and Section 1(l)); and

13 **WHEREAS,** the Constitution of the Tohono O'odham Nation further vests the Legislative
14 Council with the authority to "promote, protect and provide for public health,
15 peace, morals, education and general welfare of the Tohono O'odham Nation and
16 its members" and to "provide for removal or exclusion from the Tohono O'odham
17 Nation of non-members whose presence may be injurious to the peace, health or
18 welfare of the Tohono O'odham" (Constitution, Article VI, Section 1(c)(2) and (7));
19 and

20 **WHEREAS,** in the past week there has been an increase in violent criminal activity within the
21 Town of Gila Bend, which has resulted in the shooting deaths of three members of
22 the Nation who are residents of San Lucy Village; and

23 **WHEREAS,** the Tohono O'odham Police Department ("TOPD"), Maricopa County Sheriff's
24 Office ("MCSO"), and San Lucy District have communicated and coordinated in an
25 effort to protect public safety in and near San Lucy Village; and

26 **WHEREAS,** representatives of the TOPD and MCSO have advised there is an increased risk of
27 additional violent criminal activity as a result of the recent deadly shootings; and

28 **WHEREAS,** there is an enhanced risk of further violent criminal activity involving members
29 of the Nation within San Lucy Village; and

30 **WHEREAS,** the San Lucy District Council has requested that the Legislative Council
31 implement a thirty (30) day curfew within the San Lucy Village to protect the
32 public, address the risk of mounting violence, and respond to the public safety
33 emergency; and

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1 **WHEREAS, on October 6, 2022, the San Lucy District Council passed Resolution No. SL 10-174-**
2 **22 in support of a Legislative Council resolution implementing a curfew; and**

3 **WHEREAS, the Domestic Affairs Committee recommends declaring a public safety**
4 **emergency and implementing a curfew for thirty (30) days.**

5 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council declares a**
6 **public safety emergency within San Lucy Village.**

7 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council adopts the Public**
8 **Safety Emergency Curfew law, which is incorporated by this reference.**

9 **BE IT FINALLY RESOLVED the Public Safety Emergency Curfew law shall be**

- 10 (1) **posted on the Legislative Council website;**
11 (2) **announced daily on KOHH 90.7 San Lucy, KOHN 91.9 Sells, KOHF-LP 101.1**
12 **Florence Community, and KWAK-LP 102.5 San Xavier Community during**
13 **the term of the curfew;**
14 (3) **Distributed by TOPD and San Lucy District by all means reasonably**
15 **calculated to inform the public.**

16 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10TH**
17 **day of OCTOBER 2022 at a meeting at which a quorum was present with a vote of 2,975.4 FOR; -0-**
18 **AGAINST; -0- NOT VOTING; and 242.6[06] ABSENT, pursuant to the powers vested in the Council**
19 **by, Article VI, Section 1; Section 1(c)(1), (2), (6), and (7); and Section 1(l) of the Constitution of the**
20 **Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and**
21 **approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6,**
22 **1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).**

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25 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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29 **Timothy Joaquin, Legislative Chairman** 

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31 10 day of October, 2022

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34 **ATTEST:**

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37 **Evonne Wilson, Legislative Secretary**

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39 10 day of October, 2022
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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 10 day of October, 2022 at 1:55 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 10th day of October, 2022

DISAPPROVED

at 2:50 o'clock, P.m.


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

Returned to the Legislative Secretary on the 10 day of

October, 2022, at 3:08 o'clock, P.m.


Evonne Wilson, Legislative Secretary

ACTION: DECLARING PUBLIC SAFETY EMERGENCY AND ADOPTING PUBLIC SAFETY EMERGENCY CURFEW

MOVED: COUNCILWOMAN LORRAINE M. EILER

SECOND: COUNCILWOMAN LUCINDA ALLEN

DATE: OCTOBER 10, 2022

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 245.6	1. MARY LOPEZ (Ann M. Garcia)	122.8	X			
	2. LUCINDA ALLEN (Francis Homewytewa)	122.8	X			
SELLS 556.5	1. ARTHUR WILSON (<i>Absent</i>) (Shelia Espino) (<i>Present</i>)	278.25	X			
	2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25	X			
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza)	95.25	X			
	2. DELISA M. RAMON (Sharon A. Francisco)	95.25	X			
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (<i>Absent</i>) (Racheal Vilson-Stoner) (<i>Present</i>)	121.3				X
	2. JANICE FELIX (<i>Absent</i>) (Adam P. Andrews) (<i>Present</i>)	121.3				X
SAN LUCY 243.8	1. JANA MONTANA (<i>Absent</i>) (Lorraine M. Eiler) (<i>Present</i>)	121.9	X			
	2. ROGER MANUEL (<i>Absent</i>) (Christina Andrews) (<i>Present</i>)	121.9	X			X
PISINEMO 232.7	1. MARIETTA MARTIN ()	116.35	X			
	2. EDWARD D. MANUEL (Monica Morgan)	116.35	X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ ()	108.3	X			X
	2. DELMA M. GARCIA ()	108.3	X			
GU VO 270.7	1. GRACE MANUEL ()	135.35	X			
	2. CYNTHIA SAAVEDRA (Dallas Lewis)	135.35	X			
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN ()	139.25	X			X
	2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25	X			
CHUKUT KUK 351.6	1. MARLAKAY HENRY (<i>Absent</i>) (Billman Lopez) (<i>Present</i>)	175.8	X			X
	2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8	X			
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone)	194.45	X			
	2. LEANDER MASE (Francine Schooling)	194.45	X			
	TOTAL	3,218.0	2,975.4	-0-	-0-	242.6