

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Adopting January 2024 Research Code Amendments)**

**RESOLUTION NO. 24-017**

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Tohono O'odham  
2 Legislative Council with the authority to "promote, protect and provide for public  
3 health, peace, morals, education and general welfare of the Tohono O'odham  
4 Nation and its members" and to "exercise the inherent powers of the Tohono  
5 O'odham Nation by providing laws, ordinances or resolutions . . . (8) to preserve  
6 and cultivate native arts, crafts and traditions" (Constitution, Article VI, Section  
7 1(c)(2)) and Section 1(c)(8)); and

8 **WHEREAS,** by Resolution No. 13-165, the Legislative Council enacted the Research Code of the  
9 Tohono O'odham Nation as 17 Tohono O'odham Code Chapter 8, which seeks to  
10 balance allowing beneficial research and protecting the Nation's members and  
11 their rights; and

12 **WHEREAS,** the Research Code applies "within the jurisdiction of the Nation" and is also  
13 "enforceable outside the jurisdiction of the Nation to the maximum extent  
14 permitted by law" (Research Code, Section 8102(A)); and

15 **WHEREAS,** the Research Code functions to protect our Nation's members, himdag, and  
16 natural and cultural resources from appropriation, exploitation, misuse, and  
17 harm, and requires any researcher seeking to conduct research on the Nation to  
18 obtain a permit from the Institutional Review Board ("IRB") (Research Code,  
19 Section 8103); and

20 **WHEREAS,** under the Research Code's enforcement provisions, "[n]o research shall be  
21 performed within the jurisdiction of the Nation or otherwise subject to [the  
22 Research Code] unless the researcher has first received review, approval, and a  
23 permit from the Nation's IRB" (Section 81010(A)); and

24 **WHEREAS,** whenever it appears that a person has violated, or is violating, or is threatening  
25 to violate any provision of the Research Code, the Nation's Attorney General or his  
26 or her designee may file an action in the Nation's Judicial Court to enforce the  
27 Research Code (Section 81010(C)); and

28 **WHEREAS,** the Nation's attorney general has advised the Nation's IRB that the Office of  
29 Attorney General is unable to represent the Nation's IRB in an ongoing matter  
30 under the Research Code and has recommended that the Nation's IRB contract  
31 with outside counsel for legal representation; and

32 **WHEREAS,** the Constitution vests the Legislative Council with the power to "employ legal  
33 counsel for the protection and advancement of the rights of the Tohono O'odham

1 Nation” and to “consult, negotiate and conclude agreements and contracts on  
2 behalf of the Tohono O’odham Nation with . . . private persons or organizations  
3 on all matters within the authority of the Tohono O’odham Council”  
4 (Constitution, Article VI, Section 1(f) and Section 2(a)); and

5 **WHEREAS,** the Legislative Council appropriated funds within the FY 2024 Executive Branch  
6 Institutional Review Board Budget for the Nation’s IRB to retain contract legal  
7 counsel; and

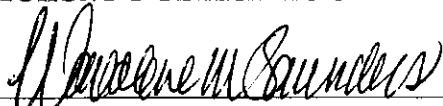
8 **WHEREAS,** the January 2024 Research Code Amendments, which are incorporated by this  
9 reference, expressly authorize the Nation’s IRB to enter into attorney contracts  
10 when the Office of Attorney General informs the IRB that it is unable to provide  
11 legal advice; and

12 **WHEREAS,** the Human Resources Development and Domestic Affairs Committees have  
13 reviewed and recommend adoption of the January 2024 Research Code  
14 Amendments.

15 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O’odham Legislative Council adopts the  
16 January 2024 Research Code Amendments.

17 The foregoing Resolution was passed by the Tohono O’odham Legislative Council on the 17<sup>TH</sup>  
18 day of JANUARY 2024 at a meeting at which a quorum was present with a vote of 2,256.1 FOR;  
19 1,007.2 AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council  
20 by Article VI, Section 1(c)(2), 1(c)(8), and 1(f) and Section 2(a) of the Constitution of the Tohono  
21 O’odham Nation, adopted by the Tohono O’odham Nation on January 18, 1986; and approved by  
22 the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant  
23 to Section 16 of the Act of June 18, 1934 (48 Stat.984).

24  
25  
26 TOHONO O’ODHAM LEGISLATIVE COUNCIL

27   
28 \_\_\_\_\_  
29 Wavalene M. Saunders, Legislative Chairwoman

30  
31  
32 19 day of January, 2024  
33

34  
35  
36 **ATTEST:**

37   
38 \_\_\_\_\_  
39 Evonne Wilson, Legislative Secretary

40  
41 19 day of January, 2024  
42  
43

**RESOLUTION NO. 24-017**  
**(Adopting January 2024 Research Code Amendments)**  
**Page 3 of 3**

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 19 day of January, 2024 at 1:35 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**

  
Wavalene M. Saunders, Legislative Chairwoman

APPROVED

on the 22 day of January, 2024

DISAPPROVED

at 11:25 o'clock, a.m.

  
VERLON M. JOSE, CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 22 day of

January, 2024, at 11:57 o'clock, P.m.

  
Evonne Wilson, Legislative Secretary

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52

## ACTION: ADOPTING JANUARY 2024 RESEARCH CODE AMENDMENTS

MOVED: COUNCILWOMAN LUCINDA ALLEN

SECOND: COUNCILWOMAN DELMA M. GARCIA

DATE: JANUARY 17, 2024

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 394.2	1. LEANDER MASE (Francine Schooling) 2. JESSE NAVARRO (Alberta J. Ray)	197.1 197.1	X	X		
CHUKUT KUK 354.7	1. VIVIAN JUAN-SAUNDERS (Cornelius Antone) 2. MARIKAY HENRY ( )	177.35 177.35		X X		X
GU ACHI 282.7	1. VICTORIA HOBBS (Tonya L. Joaquin) 2. TIMOTHY L. JOAQUIN (Jerome L. Joaquin)	141.35 141.35	X	X		
GU VO 276.0	1. DALLAS LEWIS ( ) 2. LESLIE LUNA (Grace Manuel)	138.0 138.0	X X			X
HICKIWAN 220.5	1. DELMA M. GARCIA ( ) 2. LOUIS R. LOPEZ ( <i>Absent</i> ) (Loretta A. Ortega) ( <i>Present</i> )	110.25 110.25	X X			
PISINEMO 236.2	1. EDWARD D. MANUEL (Monica Morgan) 2. PAMELA J. BENAVIDEZ (Nora J. Ruelas)	118.1 118.1	X X			X
SAN LUCY 257.6	1. ROGER MANUEL ( <i>Absent</i> ) (Christina Andrews) ( <i>Present</i> ) 2. GLORIA M. RAMIREZ ( <i>Absent</i> ) (Lorraine M. Eiler) ( <i>Present</i> )	128.8 128.8	X X			X
SAN XAVIER 244.5	1. JANICE FELIX ( ) 2. DANIEL L.A. PRESTON III ( )	122.25 122.25	X	X		
SCHUK TOAK 191.8	1. DELISA M. RAMON (Sharon A. Francisco) 2. THEORIA CAMPILLO (Rebecca Ann Valentine)	95.9 95.9		X X		
SELLS 558.0	1. EVELYN JUAN-MANUEL (Arvada Liston) 2. JANET B. ELEANDO ( )	279.0 279.0	X X			
SIF OIDAK 247.1	1. LUCINDA ALLEN (Francis Homewytewa) 2. WAVALENE M. SAUNDERS (Mary Lopez)	123.55 123.55	X X			
<b>TOTAL</b>		<b>3,263.30</b>	<b>2,256.1</b>	<b>1,007.2</b>	<b>-0-</b>	<b>[04]</b>