

1. TRIBAL GOVERNMENTS

General Information on Tribes

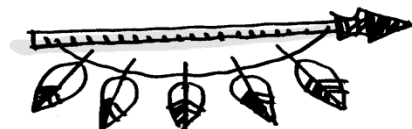
Background

There are two tribal nations located in Pima County: **Pascua Yaqui Tribe** and the **Tohono O'odham Nation**. Their governments have a distinct status as preexisting sovereign entities by treaty and federal statute. Under the Indian Reorganization Act of 1934, tribal nations were formally recognized as sovereign and self-governing entities, within the relevant laws of the United States. This allows tribes to conduct government-to-government relations with the federal government, the relationship operating differently for different tribes. Tribal governments have a unique status for most states and local governments.



The Hohokam, ancestors to the Tohono O'odham, lived in communities where they built 500 miles of canals, produced their own food and engaged in math, science, and astronomy. Prior to European contact, the tribe exercised regional political sovereignty. In 1986, the Tohono O'odham revised their constitution to have a more central government and to change the name of the tribe from Papagos, a name given by early Europeans, to Tohono O'odham. The tribe crosses three counties and the U.S. border into Mexico.

The Pascua Yaqui are descendants of the ancient Toltecs (Uto-Aztecas) from northern Mexico, who migrated north. The first modern Yaqui settlements in the United States were in Nogales and South Tucson when members moved north to avoid political persecution in Mexico in the 1870s. Because they settled in various location from Tucson to Phoenix, the tribe had no designated area for a reservation. In 1964 the U.S. Congress passed legislation transferring 202 acres of desert land southwest of Tucson to the Pascua Yaqui Association, a nonprofit Arizona corporation formed to receive the land. Finally, in 1978 the Pascua Yaqui secured federal recognition as a U.S. Indian tribe. In 1982 Congress transferred 690 acres to the tribe and then another 140 acres to the created reservation near Tucson. In 1994 the federal government changed the designation of the Pascua Yaqui from a "created tribe" to an "historic tribe".



Power of Tribal Governments

Tribal self-government includes such powers as choosing the tribe's own form of democracy, determining tribal membership, regulating property within its jurisdiction, regulating domestic relations and rules of inheritance, policing conduct of its members, administering justice, and providing services.



Some areas of tribal governance are specifically limited by acts of the U.S. Congress. The most well-known example is gaming enterprises. Gaming is protected from state prohibition on reservations under a U.S. Supreme Court decision in 1987, but is regulated under the Indian Gaming Regulatory Act of 1988, providing for both federal and state roles in monitoring and regulating gaming on reservations. States are given the power to regulate, but not prohibit, gaming within their states and must enter into state-tribal gaming compacts to establish the parameters of Indian gaming. Compacts must be approved by the U.S. Department of the Interior.

Relations with the State, County and Local Governments

The power to regulate and protect tribes (from encroachment by states and citizens) is wholly federal. The states are excluded from any power over tribes within their territory unless Congress delegates power to them specifically. There are many areas such as police, child care, and education where tribes and the state work together on a voluntary cooperative basis and vary by tribe.

Tribes are also autonomous from county and local governments but have entered into agreements with local governments for law enforcement, education, child welfare, and other services. These vary from tribe to tribe.

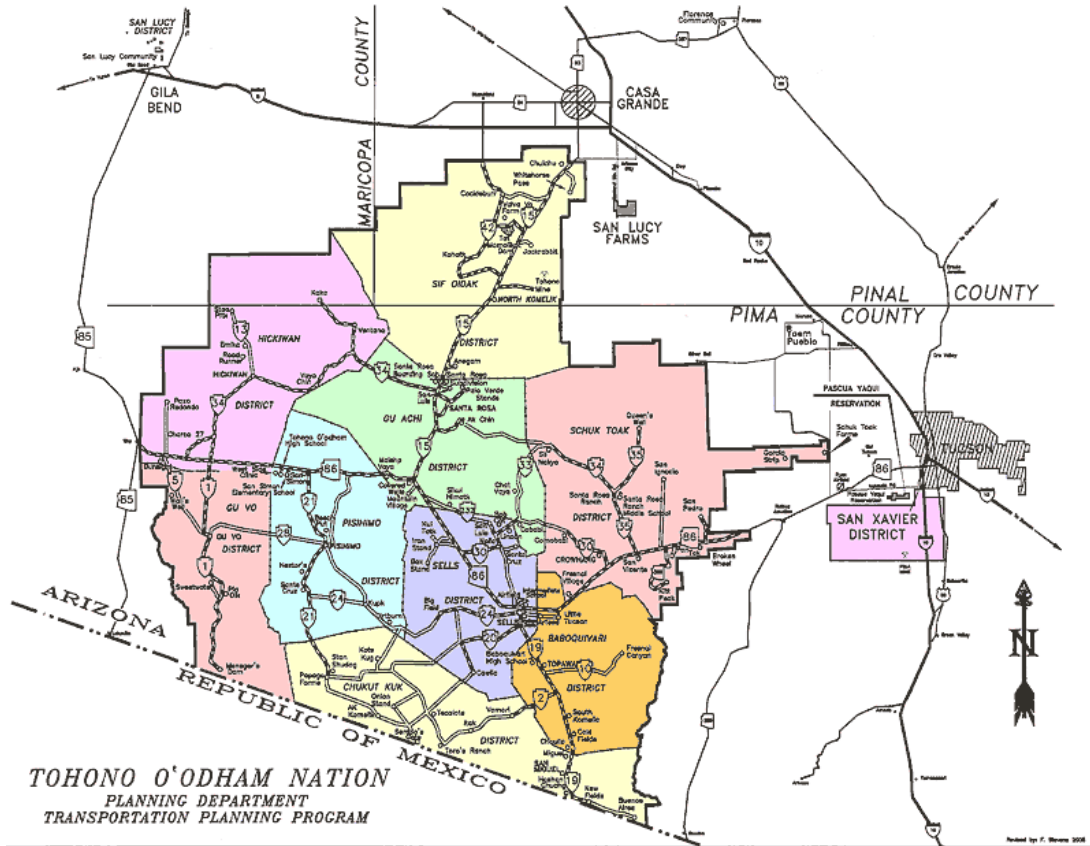
Tohono O'odham Nation (tonation-nsn.gov).

The Tohono O'odham Nation is the 2nd largest tribe in Arizona with over 28,000 members in an area of over 2.8 million acres (4,400 square miles). It is made up of four non-contiguous segments. The Sells area goes from south of Casa Grande to the Mexican border, encompassing parts of

- Pinal and Pima counties (2.7 million acres);
- San Xavier area just south of Tucson (71,095 acres);
- San Lucy area near the city of Gila Bend (10,409 acres); and,
- Florence Village near the city of Florence (20 acres).

These areas are divided into eleven districts that are represented on the Tohono O'odham Council which is the legislative branch of the government. Tribal Headquarters are in Sells, Arizona, and

Executive office in Tucson, Arizona. A map of the the Tohono O’odham Nation is at tonation-nsn.gov.



Government Structure

The Tohono O’odham Nation has a three-branch system: executive, legislative, and judicial. The eleven districts elect their own district chairman, vice chairman and district councils. Each sends representatives in the Tohono O’odham Council at the nation level.

Legislative Branch - Tohono O’odham Nation Council powers:

- Pass legislation on nation matters including final approval of land disposition since all land is held in trust; and,
- Elects a council chair from among its members who are elected every four years.

Eleven District Councils

The District councils have power over local matters. Any decisions they make that involve a contract, such as families contracting to hold land for their home sites, must pass through the chair of the nation. The number of members on each council depends on the size of their area and population because members represent specific areas within the district. They also serve four year terms that are staggered. Each District Council elects a district chair and vice-chair from among the members.



Executive Branch

The Tohono O’odham elect a Nation Chairman/Chairwoman who serves as the chief executive officer for the entire nation. The Chair has veto power over resolutions approved by the Legislative Council. The Chair is assisted by the:

- Attorney General
- Treasurer
- Gaming Office
- Government Operations

Administrative Support Services *tolc-nsn.org*

The administrative departments are program offices and under the general guidance of the chair and vice-chair.

- Public Safety and Emergency Management
- Planning and Economic Development
- Natural Resources
- Human Services
- Membership Services
- Education

Judicial Branch *tolc-nsn.org*



The judicial branch has jurisdiction over all tribal members on and off the reservation in most types of infractions. The federal government handles major crimes and many drug related and immigration matter. The Tohono O’odham courts work closely with state and county probation offices and with other governments in handling child cases. Child Welfare of Arizona can determine if the state will handle the case or whether it will revert back to the tribal court.

- Six judges and six pro tem judges that serve six year terms;
- Judges appointed by the Tohono O’odham Legislative Council;
- A chief judge is selected from among the six judges;

- While judges are not required to have a law degree, they must qualify under federal law to hear cases where a defendant could be sentenced for more than one year in jail;
- There are six courts: criminal, adult, juvenile, civil, traffic, and appeals
- Tohono O’odham national and district ordinances and resolutions are codified in the Tohono O’odham Legal Code.

Tohono O’odham Nation Elections

- Elections are run by the Elections Office of the Department of Membership Services;
- Membership in the tribe and registered to vote qualifies one to vote;
- Tribal chair and vice chair are elected every four years in odd numbered years;
- District council elections are every two years in odd-numbered years; and,
- Voting also occurs on referenda and initiatives.

PASCUA YAQUI TRIBE *pascuayaqui-nsn.gov*

Pascua Yaqui tribal government is located in the New Pascua Village on Camino del Oeste in Tucson, Arizona.

The tribe is also located in eight other areas:

- Old Pascua – near Grant and Oracle Roads;
- Barrio Libre – in downtown Tucson;
- Yoem – in Marana;
- Pejnamo – in Scottsdale;
- High-Town – in Chandler;
- Guadalupe – in Maricopa County;
- Coolidge – in Pinal County; NS,
- Eloy – in Pinal County



Members of the tribe must prove they are direct descendants from a Pascua Yaqui through a process designated by the enrollment department of the tribe.

Form of Government

The Pascua Yaqui Tribe has an elected Tribal Council form of government.

Legislative Branch (*pascuayaqui-nsn.gov*). **The legislative branch is the Tribal Council:**

- Eleven members elected every four years as at-large representative;
- Council members must be enrolled members of the tribe but can be living off the reservation;
- Meet once a month in study and/or public session to vote on legislation;
- Meet to pass legislation in the following six areas: housing, finance, public safety, health and social services for members both on and off the reservation;
- Appoints the chairman, vice chairman, secretary and treasurer; and,
- operation of tribal enterprises.

Executive Branch (pascuayaqui – nsn.gov) Also part of the duties of the Tribal Council.

- The Tribal Council chairperson, as well as the vice chair, secretary and treasurer, act as officials over the executive departments for the tribe; and,
- Hires managers (chief administrative officers) to oversee departments.

Tribal Departments and Divisions

The tribe has full responsibility for services to the tribe, but it cooperates with Pima County and/or the State of Arizona for assistance in services and is eligible as an administrative agent to receive funds for many federal programs as a “recognized” tribe.

These departments are:

- Attorney General
- Radio Station
- Social Services
- Development Services
- Education
- Enrollment
- Health
- Housing
- Human Resources
- Information Technology
- Internal Audit
- Land Use
- Police
- Public Safety.



Judicial Branch pycourts.org

The Pascua Yaqui Tribal Court has a Chief Justice and two associate judges.

- Meets periodically when there is an appeal;
- Changes size and number of judges depending on the case, but judges are often brought in from outside the tribe to insure their independence;
- Has complete autonomy on law enforcement on the reservation;
- Major felony crimes (such as murder, rape and child molestation) are handled in federal courts; and,
- Cases involving tribal members off reservation go to state courts first.

Pascua Yaqui Tribal Elections

- Membership in the tribe and over eighteen are allowed to vote;
- Referenda and initiative allowed;
- Held on the same date as Presidential elections; and,
- The eleven candidates receiving the most votes are elected.