

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Awarding \$20,000 to Delma Garcia and Reinstatement as Director of
TERO Department)

DEFEATED
RESOLUTION NO. 2000-105

1 **WHEREAS, on January 03, 2000, at a General Session of the Legislative Council the subject of the**
2 **Judiciary Committee's Report and Findings under Legislative Order 99-394, "the**
3 **Delma Garcia Matter" was presented and discussed; and**

4 **WHEREAS, the Legislative Council approved the Committee's Report and Findings by Legislative**
5 **Order No. 2000-008; and**

6 **WHEREAS, this matter was initially presented by Delma M. Garcia who has stated that she was**
7 **wrongfully terminated thereby violating her Constitutional rights and which was**
8 **supported by the Legislative Judiciary Committee Report and Findings; and**

9 **WHEREAS, Delma M. Garcia states the following:**

- 10 **1. Termination letter of June 01, 1999 by the DPS Director had no authority or**
11 **evidence nor documentation to justify Delma Garcia's termination.**
- 12 **2. The TERO Commissioners concurrence of the Department of Public Safety "DPS"**
13 **Director's action demonstrated derelict of duties and disregard for the rights of**
14 **a Tribal member and employee and clearly confirms the inability of the**
15 **Commission to comprehend their roles and responsibility to which they have**
16 **taken an oath to protect and uphold the Constitution.**
- 17 **3. Delma Garcia has stated in her letter that to have gone through the Executive**
18 **Branch grievance process would not do her justice because it was at the direction**
19 **of the Chairman of the Nation, Edward Manuel, who gave the directive to the DPS**
20 **Director to terminate. Under the Personnel Policies Manual (Executive Order 99-**
21 **01), Section I "Introduction And Definitions, A. Introduction, Subsection 8,**
22 **Protection of Employees against coercion for partisan political purposes.**
- 23 **4. Delma Garcia now appeals to the Legislative Council for reinstatement and**
24 **compensation of lost wages, retirement benefits, health benefits, sick and annual**
25 **leave benefits, and emotional distress, as follows:**
- 26 **5. Delma Garcia submits and pleads to the Legislative Council to resolve this matter**
27 **not only for the reasons stated above but most importantly because due process**

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1 was not afforded to Delma Garcia as guaranteed by the Constitution of the
2 Tohono O'odham Nation. Although other measures have been considered,
3 Delma Garcia considers the Legislative Council by virtue of the Constitution to
4 protect the health and welfare of the O'odham as the Branch to resolve this
5 matter.

6 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council has considered
7 this matter and awards Delma Garcia for lost wages, retirement benefits, health
8 benefits, annual leave, and sick leave in an amount to be calculated by the
9 Accounting Department and brought forward to the Legislative Council for approval.

10 **BE IT FURTHER RESOLVED** that Delma Garcia be reinstated as director of the TERO Department
11 immediately.

12 **BE IT FINALLY RESOLVED** that Delma Garcia be awarded \$20,000 for mental, emotional distress,
13 with funds to be appropriated from the FY 1998 identified savings.

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15 **The foregoing Resolution was presented to the Tohono O'Odham Legislative Council on the 07TH**
16 **Day of MARCH, 2000 at a meeting at which a quorum was present, and by a vote of 740.4 FOR;**
17 **1,265.1 AGAINST; 160.0 NOT VOTING; and [04] ABSENT, failed to pass because it did not receive a**
18 **majority of the votes cast as required by Section 2 of Article V of the Constitution of the Tohono**
19 **O'odham Nation.**

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21 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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25 **Dennis Ramon, Legislative Chairman**

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28 **ATTEST:**

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32 **Julianna Saraficio, Acting Legislative Secretary**

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ACTION: AWARDING \$20,000 TO DELMA GARCIA AND REINSTATEMENT AS DIRECTOR OF THE TERO DEPARTMENT

MOVED: COUNCILWOMAN EVELYN JUAN

SECOND: COUNCILMAN ALEX JOSE

DATE: MARCH 07, 2000

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 171.8	1. MARY ANN ANTONE (Darlene Andrew)	85.9		X		
	2. RITA MARTINEZ (Nicholas Jose)	85.9		X		X
SELLS 372.7	1. DENNIS E. JOSE ()	186.35	X			
	2. EVELYN JUAN ()	186.35	X			
SCHUK TOAK 133.4	1. MARY FLORES ()	66.7		X		
	2. AMBROSE ENCINAS ()	66.7		X		
SAN XAVIER 165.9	1. TONY BURRELL ()	82.95		X		
	2. DENNIS RAMON ()	82.95		X		
BABOQUIVARI 286.5	1. FRANCES MIGUEL ()	143.25		X		
	2. FRANCES G. ANTONE (Edward N. Kisto)	143.25		X		X
GU ACHI 209.6	1. CAMILLUS LOPEZ (Louis Johnson)	104.8	X			
	2. ALEX J. RAMON ()	104.8	X			X
PISINEMO 156.8	1. BARBARA SALVICIO (Alex Antone)	78.4		X		
	2. JOHNSON JOSE ()	78.4		X		
SAN LUCY 128.1	1. ALBERT MANUEL, JR. ()	64.05		X		
	2. GLORIA RAMIREZ ()	64.05		X		
GU VO 160.0	1. FERN SALCIDO ()	80.0			X	
	2. GLORIA MONTANA (Phillip Antone)	80.0			X	
HICKIWAN 158.1	1. ALEX JOSE (Shirley Santos)	79.05	X			
	2. LLOYD FRANCISCO (Susan Sam)	79.05	X			
CHUKUT KUK 222.6	1. KENNETH WILLIAMS ()	111.3		X		X
	2. DAVID GARCIA (Mary Audrey Juan)	111.3		X		
TOTAL		2,165.5	740.4	1,265.1	160.0	[04]

****PASSED VOTES**