

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Attorney Salary Scale for Office of Attorney General and Salary
Adjustments in FY 2001)

RESOLUTION NO. 01-032

- 1 **WHEREAS, the Statute Creating the Office of Attorney General (“OAG”) was enacted by the Tohono**
2 **O’odham Legislative Council pursuant to Resolution 326-89, as amended by**
3 **Resolution 91-500 (the “OAG Statute”); and**
- 4 **WHEREAS, the OAG Statute was adopted with the goal of building in-house expertise to represent**
5 **the interests of the Tohono O’odham Nation, rather than rely exclusively on**
6 **representation under attorney contracts with private law firms; and**
- 7 **WHEREAS, the OAG Statute establishes a broad scope of representation by OAG attorneys which**
8 **includes matters affecting the Legislative Council and its Committees, the Executive**
9 **Branch and its constituent departments and programs, and the Districts of the**
10 **Nation; and**
- 11 **WHEREAS, the OAG has substantially expanded the areas of representation formerly undertaken**
12 **by prior legal counsel, and has performed the legal work at a greatly reduced cost**
13 **relative to the fees which would be charged by law firms for the same services; and**
- 14 **WHEREAS, the OAG represents the Nation in a wide range of legal matters, including (1) complex**
15 **litigation and negotiations in gaming, water rights, mining, land issues and**
16 **environmental concerns; (2) heavy litigation caseloads related to the Indian Child**
17 **Welfare Act and Children’s Court cases; and (3) an equally heavy caseload in the**
18 **general field of governmental affairs; and**
- 19 **WHEREAS, OAG attorneys appear in Federal Courts, State Courts and the Nation’s Judicial Court;**
20 **and**
- 21 **WHEREAS, effective representation of the Nation in these matters requires OAG attorneys with**
22 **in-depth knowledge and experience in the general laws of the United States, State of**
23 **Arizona and the Nation, as well as the field of Indian law as it applies to the various**
24 **matters for which the OAG is responsible; and**
- 25 **WHEREAS, the capacity of the OAG to represent the Nation is premised on the recruitment and**
26 **retention of qualified and experienced attorneys; and**
- 27 **WHEREAS, during the 10-year period the OAG has been in operation, increasing difficulties have**
28 **been encountered in achieving the recruitment goals, and the OAG now faces the**

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1 **near-term prospect of losing experienced attorneys; and**

2 **WHEREAS, over the years, the salary scale for OAG attorneys has not been adjusted to a level**
3 **which enables the OAG to effectively compete with other employers seeking attorneys;**
4 **and**

5 **WHEREAS, the inability to attract and retain qualified and experienced attorneys will reduce the**
6 **OAG's capacity to maintain current levels of representation which would require the**
7 **engagement of private legal counsel at a much greater cost; and**

8 **WHEREAS, the Domestic Affairs Committee requested the Attorney General to prepare a revised**
9 **salary scale designed to achieve the recruitment and retention goals, with proposed**
10 **salary adjustments for existing attorney staff for the remainder of fiscal year 2001;**
11 **and**

12 **WHEREAS, the Attorney General prepared the revised salary scale and adjustments to attorney**
13 **salaries which appear as Appendices II and III to the attached memorandum of**
14 **December 21, 2000 from the Attorney General to the Domestic Affairs Committee (the**
15 **"Memorandum"); and**

16 **WHEREAS, attached hereto is Modification No. 1 to the Base Budget for the Office of Attorney**
17 **General which adds to such Budget the funds necessary to cover the proposed salary**
18 **adjustments; and**

19 **WHEREAS, there is a sufficient balance in the Executive Budget designated Employee**
20 **Classification Reserve (1-3006) to fund the foregoing adjustments, and the Chairman**
21 **of the Nation has approved use of the funds for such purpose; and**

22 **WHEREAS, Section 2(C) of the OAG Statute provides that the salaries of OAG attorneys shall be**
23 **established by the Legislative Council.**

24 **NOW, THEREFORE, BE IT RESOLVED THAT:**

25 **1. The Tohono O'odham Legislative Council approves the revised salary scale for**
26 **attorneys in the Office of Attorney General, in the form attached as Appendix II to**
27 **the Memorandum.**

28 **2. The Legislative Council approves the salary adjustments for existing attorneys in**
29 **the Office of Attorney General as specified in Appendix III to the Memorandum;**

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provided that the adjustments for fiscal year 2001 shall be prospective only for the period from the effective date of this Resolution through September 30, 2001.

3. The sum of \$124,272 has been identified as the funding required for the salary adjustments and related fringe benefits for the remaining nine months of fiscal year 2001.
4. The Legislative Council (a) approves Modification No. 1 to the Base Budget of the Office of Attorney General for fiscal year 2001 (Acct. No. 01-1031) which adds \$124,272 to the Budget (\$94,145 to the Salary line item (610) and \$30,127 to the Fringe Benefits line item (620)), and (b) appropriates from the Executive Employee Classification Reserve Budget (1-3006) the sum of \$124,272 and transfers such amount to the Office of Attorney General Base Budget for expenditure in accordance with this Resolution.
5. The annualized amount of the foregoing salary adjustments and related fringe benefits (\$165,695.13) shall be added to the Base Budget of the Office of Attorney General for fiscal year 2002.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12TH Day of JANUARY, 2001 at a meeting at which a quorum was present with a vote of 1,372.75 FOR; 792.75 AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Section 1 (d)(2) & (3) 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


Dennis Ramon, Legislative Chairman

17 day of January, 20 01

ATTEST:


Juliana Saraficio, Acting Legislative Secretary

12 day of January, 20 01

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 17 day of January, 20 01 at 9:04 o'clock, A.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


Dennis Ramon, Legislative Chairman

APPROVED

on the 17th day of January, 20 01
at 12:25 o'clock, P.M.

DISAPPROVED


EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 17 day of

January, 20 01, at 4:20 o'clock, P.M.


Julianna Saraficio, Acting Legislative Secretary

ACTION: APPROVING ATTORNEY SALARY SCALE FOR OFFICE OF ATTORNEY GENERAL AND SALARY ADJUSTMENTS IN FY 2001

MOVED: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILMAN TONY BURRELL

DATE: JANUARY 12, 2001

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			
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		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			
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			X
	2. GLORIA MONTANA (Phillip Antone)	80.0	X			
HICKIWAN 158.1	1. SHIRLEY MOLINA ()	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	1,372.75	792.75	-0-	[04]

**PASSED VOTES