

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending Ordinance No. 98-03, "Establishment of Tohono O'odham Ki:ki Association,"
and Suspending Duties and Responsibilities of TOKA Directors)

RESOLUTION NO. 06-440

1 **WHEREAS, the Tohono O'odham Legislative Council is constitutionally vested with all the**
2 **legislative powers of the Nation, and is specifically vested with the power to enact**
3 **ordinances "to promote, protect and provide for public health, peace, morals,**
4 **education and general welfare of the Tohono O'odham Nation and its members"**
5 **(Constitution of the Tohono O'odham Nation , Article V, Section 1; Article VI, Section**
6 **1 and Section 1(c)(2)); and**

7 **WHEREAS, the Council did enact Ordinance No. 98-03, "Establishment of Tohono O'odham Ki:ki**
8 **Association" ("TOKA Ordinance") and thereby established the Tohono O'odham Ki:ki**
9 **Association ("TOKA") and its five-member Board of Directors; and**

10 **WHEREAS, pursuant to Article V, Section 1(a) of the TOKA Ordinance, the Legislative Council is**
11 **empowered to appoint TOKA directors, whose "duties and responsibilities . . . which**
12 **are enumerated within [the TOKA] Ordinance [are] *subject to amendments as deemed***
13 ***necessary by the Tohono O'odham Legislative Council*" (TOKA Ordinance, Article V,**
14 **Section 1, emphasis added); and**

15 **WHEREAS, substantial, ongoing concerns exist whether the Board of Directors is currently**
16 **capable of achieving TOKA's mission to "provide safe, decent, and affordable housing**
17 **that is well built and energy efficient; to maintain the governmental current assisted**
18 **stock; serve primarily the needs of low-income families; create programs and**
19 **projects that will reinforce traditional values; create programs and projects to**
20 **promote the community enhancement and economic development; develop plans to**
21 **meet the future housing needs for the members of the Tohono O'odham Nation; and**
22 **obtain necessary funding to implement the short and long term housing objectives**
23 **of the Tohono O'odham Nation" (TOKA Ordinance, Article II, Section 1); and**

24 **WHEREAS, the Legislative Council has delegated to the Legislative Council Housing Committee**
25 **oversight of housing matters affecting the Nation and its members, including**
26 **legislative oversight of the TOKA (Legislative Order No. 01-217, "Adoption of Housing**
27 **Committee Plan of Operation"); and**

28 **WHEREAS, the Housing Committee has reviewed these concerns and, in response, presented the**
29 **Legislative Council with draft amendments to the TOKA Ordinance that would allow**

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**(Amending Ordinance No. 98-03, "Establishment of Tohono O'odham Ki:ki Association,"
and Suspending Duties and Responsibilities of TOKA Directors)**

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1 **TOKA directors to be suspended by Council resolution for a period not to exceed six**
2 **months, and otherwise increase the Board's transparency and improve its**
3 **organization; and**

4 **WHEREAS, it is in the Nation's best interest to adopt the Tohono O'odham Ki:Ki Association**
5 **Ordinance amendments set forth in this Resolution.**

6 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby amends**
7 **the TOKA Ordinance as follows:**

8 **Article V, Section 1**

9 "The general business, direction, policies and oversight will be provided by the Board of
10 Directors, (Board), and they will be responsible for monitoring and enforcing compliance
11 with the general purposes and contractual requirements. The Board will also provide
12 corrective actions to keep projects on schedule and in such a manner that is cost-effective
13 and efficient. It may create a special committee that would assume responsibility for any
14 given area of implementation for a period of no more than 3 months.

15 "All Board of Directors' duties and responsibilities shall be addressed by the Board, as
16 their primary and exclusive responsibility, which are enumerated within this Ordinance,
17 subject to amendments ~~or restrictions~~ as deemed necessary by the Tohono O'odham
18 Legislative Council."

19

20 **Article V, Section 3**

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22 "The Board of Directors may be removed, either individually or as a whole, by
23 ~~resolution~~ of the Tohono O'odham Legislative Council, ~~for with or without~~ cause, ~~such~~
24 ~~as serious inefficiency or neglect of duty and the failure to protect the interests of the~~
25 ~~Nation's housing program. A recommendation by a majority of the Board to remove a~~
26 ~~Director may constitute cause for removal. Due process proceedings will be required to~~

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1 provide written notice of the allegations, and a right to an impartial hearing, in
2 accordance with the TOKA's policies, process and procedures. In the event of an
3 emergency or crisis situation the removal process may be expedited to protect the
4 interest of the TOKA. In addition, the Legislative Council may, by resolution, suspend
5 some or all of the duties and responsibilities of a Director of the Board for a period not
6 to exceed six months."

7 **BE IT FINALLY RESOLVED notwithstanding Article VI, Section 3 of the TOKA Ordinance,**
8 **the Legislative Council may appoint an employee of the Nation or other person to**
9 **temporarily serve as the Ki:Ki Association Executive Director ("Interim Executive**
10 **Director") for a period not to exceed six months, provided that no Executive Branch**
11 **employee shall be appointed without the concurrence of the Nation's Chairperson**
12 **and further provided that the Interim Executive Director shall report to the**
13 **Legislative Council Housing Committee and, upon request, to the full Legislative**
14 **Council and the Chairperson of the Nation.**

15 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 22ND Day**
16 **of JUNE, 2006 at a meeting at which a quorum was present with a vote of 1,597.2 FOR; 843.6**
17 **AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
18 **Section 1 (c)(2) of Article V and Article VI of the Constitution of the Tohono O'Odham Nation,**
19 **adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy**
20 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act**
21 **of June 18, 1934 (48 Stat. 984).**

22 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

23 
24 _____
25 Evelyn B. Juan Manuel, Legislative Chairwoman

26 22rd day of June, 2006

27 **ATTEST:**

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33 _____
34 Lucille Lopez, Acting Legislative Secretary

35 22 day of June, 2006.
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Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 23rd day of June, 2006 at 4:05 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Evelyn B. Juan Manuel, Legislative Chairwoman

APPROVED

on the 23 day of June, 2006

DISAPPROVED

at 4:14 o'clock, P.M.


VIVIAN JUAN SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 23 day of

June, 2006, at 4:16 o'clock, P.M.


Lucille Lopez, Acting Legislative Secretary

ACTION: AMENDING ORDINANCE NO. 98-03, "ESTABLISHMENT OF TOHONO O'ODHAM KI:KI ASSOCIATION," AND SUSPENDING DUTIES AND RESPONSIBILITIES OF TOKA DIRECTORS

MOVED: VICE CHAIRMAN VERLON JOSE

SECOND: COUNCILWOMAN GLORIA RAMIREZ

DATE: JUNE 22, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL (Vernon J. Smith)	155.40	X			
	2. FRANCES G. ANTONE <i>(Absent)</i> (Lucilda J. Valenzuela (Norris)) <i>(Present)</i>	155.40	X			
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
GU VO 193.1	1. RAYMOND VICTOR ()	96.55		X		
	2. MICHAEL FLORES** (Grace Manuel)	96.55		X		
HICKIWAN 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70		X		
	2. SANDRA ORTEGA ()	83.70		X		X
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90		X		
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. JOHN W. LAWSON, SR. ()	84.50	X			
	2. GLORIA RAMIREZ ()	84.50	X			
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			
	2. OLIVIA VILLEGAS-LISTON** (Eileen A. Estrada-Lopez)	96.90	X			
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X			X
	2. PHYLLIS JUAN ()	73.45	X			
SELLS 421.0	1. MARLENE SARAFICIO-JUAN ()	210.50		X		
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50	X			
SIF OIDAK 186.7	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35		X		X
	2. DARLENE ANDREW (Rita Martinez)	93.35		X		
TOTAL		2,440.80	1,597.2	843.6	-0-	[03]

**PASSED VOTES