

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Repayment of Unauthorized Annual Leave Payouts to Judges)**

RESOLUTION NO. 07-289

1 **WHEREAS, pursuant to Section 9 of Article VIII of the Constitution of the Tohono O'odham Nation,**
2 **“The judges of the Tohono O'odham Courts shall receive for their services a**
3 **compensation to be established by the Tohono O'odham Council, which shall not be**
4 **diminished during their continuance in office.” (“Judicial Compensation Clause”); and**

5 **WHEREAS, since the Nation's Constitution became effective on March 6, 1986, the Legislative**
6 **Council has repeatedly established the compensation of Judicial Court judges by**
7 **adopting or amending judicial compensation formulas or schedules and**
8 **appropriating funds for judges' salaries within Judicial Branch budgets (e.g.,**
9 **Resolution 247-86, Resolution No. 97-357, and Resolution No. 01-574); and**

10 **WHEREAS, although the Legislative Council has not established a method for providing**
11 **additional compensation to Judicial Court judges in the form of annual leave or**
12 **annual leave payouts, in 1987 the Court's chief judge administratively adopted and,**
13 **in 1989, amended policies appearing to authorize judges to accrue 320 hours or 40**
14 **days of annual leave each year and to receive annual leave payouts “upon separation**
15 **from employment” or by “working through vacation”; and**

16 **WHEREAS, according to a February 28, 2005 memorandum from then-Chief Judge Betsy Norris,**
17 **judges ceased “earning” annual or sick leave in 2001; and**

18 **WHEREAS, according to Judicial Court records, 10 current or former judges identified in the**
19 **attached Judges Annual Leave Payout List have received annual leave payouts after the**
20 **Constitution's Judicial Compensation Clause became effective on March 6, 1986.**

21 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it hereby calls**
22 **upon all current and former judges of the Nation who received annual leave payouts**
23 **after March 6, 1986 and are listed in the attached Judges Annual Leave Payout List to**
24 **enter into written agreements with the Office of the Treasurer to repay such amounts**
25 **in full, such agreements to be signed within 60 days of the effective date of this**
26 **resolution.**

27 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council directs the Office of the**
28 **Treasurer to (1) forward this resolution to the above identified judges and (2) provide**

1 a written report to the Legislative Council during the August 2007 general session on
2 the status of such repayments.

3 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 14TH. Day
4 of MAY, 2007 at a meeting at which a quorum was present with a vote of 1,381.55 FOR; 638.25
5 AGAINST; 421.0 NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by
6 Section 9 of Article VIII of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono
7 O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -
8 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48
9 Stat. 984).

10 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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14 Verlon M. Jose, Legislative Chairman

15
16 16 day of May, 2007
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18 ATTEST:

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22 Lucille Lopez, Acting Legislative Secretary

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24 14 day of May, 2007.
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26 Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono
27 O'Odham Nation on the 16 day of May, 2007 at 3:01 o'clock,
28 P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
29 effective upon her approval or upon her failure to either approve or disapprove it within 48 hours
30 of submittal.

31 TOHONO O'ODHAM LEGISLATIVE COUNCIL


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35 Verlon M. Jose, Legislative Chairman

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40 APPROVED

on the 16 day of May, 2007

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42 DISAPPROVED

at 5:45 o'clock, P.M.

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46 VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
47 TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 17 day of

May, 2007, at 8:47 o'clock, A.M.

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

ACTION: REPAYMENT OF UNAUTHORIZED ANNUAL LEAVE PAYOUTS TO JUDGES

MOVED: COUNCILWOMAN GLORIA RAMIREZ

SECOND: COUNCILWOMAN OLIVIA VILLEGAS-LISTON

DATE: MAY 14, 2007

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 (Lucilda J. Valenzuela (Norris))	155.40	X			
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35		X		
	2. VERLON M. JOSE (David Garcia)	129.35		X		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. SHIRLEY SANTOS-MOLINA ()	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. LORRAINE EILER ()	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			
	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 ROMERO (Isidro Lopez)	93.35	X			X
	2. DARLENE ANDREW (Rita Wilson)	93.35	X			
TOTAL		2,440.80	1,381.55	638.25	421.0	[03]

**PASSED VOTES