

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

RESOLUTION NO. 07-290

1 **WHEREAS, on January 10, 1979, pursuant to Resolution No. 5-79, the Papago Tribal Council**
2 **adopted the "Personnel Policies and Procedures Manual of the Papago Tribe of**
3 **Arizona" (the "Papago Tribe Personnel Manual") which applied to all employees of the**
4 **Papago Tribe with the exception of: (1) the Chairman and Vice-Chairman as elected**
5 **officials; (2) Tribal Judges appointed or elected; (3) Tribal attorney and others on a**
6 **consultant basis; (4) those employed by private businesses on reservation land, such**
7 **as construction companies, trading posts, etc.; and**

8 **WHEREAS, those persons excepted from the Papago Tribe Personnel Manual were not entitled to**
9 **annual leave or any of the other benefits bestowed by the personnel manual, and**
10 **therefore were also not entitled to a cash payout of accumulated annual leave which**
11 **other covered employees may have been entitled to; and**

12 **WHEREAS, effective on March 6, 1986, the Constitution of the Tohono O'odham Nation replaced**
13 **the Constitution and By-laws of the Papago Tribe, Arizona, which had been in effect**
14 **since January 6, 1937, and created an Executive Branch, a Legislative Branch, and a**
15 **Judicial Branch; and**

16 **WHEREAS, on April 19, 1999, pursuant to Executive Order No. 99-01, the Chairman of the Nation**
17 **adopted the Personnel Policies Manual for the Executive Branch of the Tohono**
18 **O'odham Nation (the "Executive Branch Personnel Manual"), which covered all**
19 **employees of the Executive Branch except for the Chairman and Vice-Chairman, and**
20 **stated: "The Chairman and Vice-Chairman, as elected officials, are considered to be**
21 **serving in policy exempt positions"; and**

22 **WHEREAS, by being exempt from the Executive Branch Personnel Manual, the Chairman and**
23 **Vice-Chairman were not entitled to annual leave or any of the other benefits bestowed**
24 **by the personnel manual, and therefore were also not entitled to a cash payout of**
25 **accumulated annual leave which other covered employees may have been entitled to;**
26 **and**

27 **WHEREAS, in an audit report dated September 30, 2003, the Nation's auditors called attention to**
28 **annual leave payments to former Chairman Edward Manual and former Vice-**

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1 Chairman Henry Ramon in May 2003 which were inconsistent with the Executive
2 Branch Personnel Manual; and

3 **WHEREAS, upon further review of the Nation's records, it was found that annual leave payouts**
4 **had been paid to certain Chairmen and Vice-Chairmen of the Papago Tribe and the**
5 **Tohono O'odham Nation from 1973 until 2003, but not to all such officials; and**

6 **WHEREAS, in a memorandum dated September 15, 2006, the Office of Attorney General reached**
7 **the conclusion that all such annual leave payouts to Chairmen and Vice-Chairmen of**
8 **the Papago Tribe and the Tohono O'odham Nation since January 10, 1079, were**
9 **improper because these elected officials were exempt from the personnel manual and**
10 **were not entitled to accrue annual leave or to be paid out for annual leave; and**

11 **WHEREAS, according to the Nation's records, four former Chairmen and Vice-Chairmen of the**
12 **Papago Tribe and the Tohono O'odham Nation as identified in the attached Elected**
13 **Officials Annual Leave Payout List have received documented unauthorized annual**
14 **leave payouts.**

15 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it hereby calls**
16 **upon all former elected officials of the Papago Tribe and the Tohono O'odham Nation**
17 **who received annual leave payouts and are listed in the attached Elected Officials**
18 **Annual Leave Payout List to enter into written agreements with the Office of the**
19 **Treasurer to repay such amounts in full, such agreements to be signed within 60 days**
20 **of the effective date of this resolution.**

21 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council directs the Office of the**
22 **Treasurer to (1) forward this resolution to the former elected officials who received**
23 **annual leave payouts and are listed in the attached Elected Officials Annual Leave**
24 **Payout List and (2) provide a written report to the Legislative Council during the**
25 **August 2007 general session on the status of such repayments.**

26 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 14TH Day**
27 **of MAY, 2007 at a meeting at which a quorum was present with a vote of 1,724.75 FOR; 221.6**
28 **AGAINST; 494.45 NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by**
29 **Section 1 (d) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the**
30 **Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
31 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
32 **18, 1934 (48 Stat. 984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL


Verlon M. Jose, Legislative Chairman

16 day of May, 2007

ATTEST:


Lucille Lopez, Acting Legislative Secretary

14 day of May, 2007.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 16 day of May, 2007 at 3:02 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

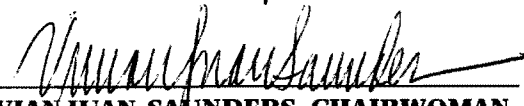

Verlon M. Jose, Legislative Chairman

APPROVED

on the 16 day of May, 2007

DISAPPROVED

at 5:47 o'clock, P.M.


VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 17 day of

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


Lucille Lopez, Acting Legislative Secretary

ACTION: REPAYMENT OF UNAUTHORIZED ANNUAL LEAVE PAYOUTS TO ELECTED OFFICIALS

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			
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	1,724.75	221.6	494.45	[02

**PASSED VOTES