

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Attorney Salary Plan for Office of Attorney General and Salary Adjustments
in FY 2008)

RESOLUTION NO. 08-242

- 1 **WHEREAS, the Statute Creating the Office of Attorney General (“OAG”) was enacted by the Tohono**
2 **O’odham Legislative Council pursuant to Resolution No. 326-89, as amended by**
3 **Resolution No. 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 Nation;**
10 **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 in-**
22 **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 18-year period the OAG has been in operation, increasing difficulties have**
28 **been encountered in achieving the recruitment goals; and**

1 **WHEREAS, attorney salaries in the OAG were last adjusted by the Legislative Council in January**
2 **2001, but since that time attorney salaries have again fallen behind when compared**
3 **to nearby Indian tribes; and**

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

7 **WHEREAS, the Domestic Affairs Committee requested the Acting Attorney General to prepare a**
8 **revised salary plan designed to achieve the recruitment and retention goals, with**
9 **proposed salary adjustments for existing attorney staff for the remainder of fiscal year**
10 **2008 and for fiscal year 2009; and**

11 **WHEREAS, the Acting Attorney General prepared the revised salary plan and adjustments to**
12 **attorney salaries which appear as Attachment 1 to the attached memorandum of**
13 **March 31, 2008 from the Acting Attorney General to the Domestic Affairs Committee**
14 **(the "Memorandum"); and**

15 **WHEREAS, attached hereto is Amendment No. 1 to the FY2008 Base Budget for the Office of**
16 **Attorney General which adds \$52,722.15 to the Budget to cover the proposed salary**
17 **adjustments for the remainder of FY2008; and**

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

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

- 21 **1. The Tohono O'odham Legislative Council approves the revised salary plan for**
22 **attorneys in the Office of Attorney General, in the form attached as Attachment 1**
23 **to the Memorandum.**
- 24 **2. The Legislative Council approves the salary adjustments for existing attorneys in**
25 **the Office of Attorney General as specified in Attachment 1 to the Memorandum;**
26 **provided that the adjustments for fiscal year 2008 shall be prospective only for the**
27 **period from June 1, 2008 through September 30, 2008.**
- 28 **3. The sum of \$52,722.15 has been identified as the funding required for the salary**
29 **adjustments and related fringe benefits for the remaining four months of fiscal**

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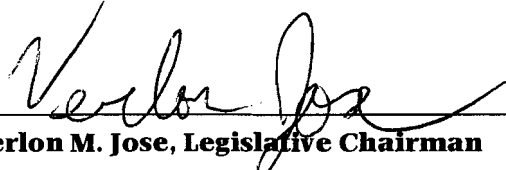
year 2008.

4. The Legislative Council (a) approves Amendment No. 1 to the Base Budget of the Office of Attorney General for fiscal year 2008 (Acct. No. 01-1031) which adds \$52,722.15 to the Budget (\$39,941.02 to the Salary line item (610) and \$12,781.13 to the Fringe Benefits line item (620)), and (b) appropriates from the general fund the sum of \$52,722.15 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 (\$202,229.30), as shown in Attachment 6 to the Memorandum, shall be added to the Base Budget of the Office of Attorney General for fiscal year 2009.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH Day of MAY, 2008 at a meeting at which a quorum was present with a vote of 2,234.35 FOR; 77.3 AGAINST; 229.95 NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Section 1(d)(2) and 1(d)(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


Verlon M. Jose, Legislative Chairman

13 day of May, 2008

ATTEST:



Lucille Lopez, Acting Legislative Secretary

08 day of May, 2008.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 13 day of May, 2008 at 5:00 o'clock, P.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.

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



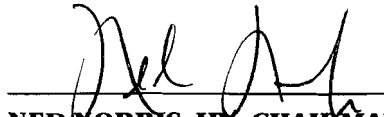
Verlon M. Jose, Legislative Chairman

APPROVED

on the 13 day of May, 2008

DISAPPROVED

at 5:55 o'clock, P.M.



NED MORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 14 day of

May, 2008, at 8:14 o'clock, A.M.



Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING ATTORNEY SALARY PLAN FOR OFFICE OF ATTORNEY GENERAL AND SALARY ADJUSTMENTS IN FY 2008

MOVED: COUNCILWOMAN EVELYN JUAN MANUEL

SECOND: COUNCILWOMAN KIMBERLY LISTO

DATE: MAY 08, 2008

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			X
	2. FRANCES G. ANTONE (<i>Absent</i>) (Vernon Smith) (<i>Present</i>)	158.45	X			
CHUKUT KUK 264.8	1. ETHEL GARCIA ()	132.40	X			
	2. VERLON M. JOSE ()	132.40			X	
GU ACHI 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ()	113.95	X			
GU VO 199.2	1. GRACE MANUEL ()	99.60	X			
	2. (RAYMOND VICTOR) ()	99.60	X			
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00	X			
	2. SANDRA ORTEGA ()	86.00	X			X
PISINEMO 182.4	1. CHESTER ANTONE ()	91.20	X			
	2. GERALD FAYUANT ()	91.20	X			
SAN LUCY 181.1	1. LORRAINE EILER ()	90.55	X			
	2. GLORIA RAMIREZ ()	90.55			X	
SAN XAVIER 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			
SCHUK TOAK 154.6	1. FRANCES B. CONDE (Frederick Jose)	77.30		X		
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
SELLS 444.7	1. KIMBERLY LISTO ()	222.35	X			
	2. EVELYN B. JUAN MANUEL ()	222.35	X			
SIF OIDAK 194.4	1. WAVALENE ROMERO ()	97.20	X			X
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	2,234.35	77.3	229.95	[03]

**PASSED VOTES