

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Appointing the Human Resources Development Committee members as
Interim TERO Commissioners)

RESOLUTION NO. 16-063

1 **WHEREAS, the Legislative Council is vested with the authority to enact ordinances “to**
2 **promote, protect and provide for public health, peace, morals, education and**
3 **general welfare of the Tohono O’odham Nation and its members” and the power**
4 **“to provide for, appoint, or provide for the appointment of, and prescribe the**
5 **duties and powers of committees, boards, officers and agents” (Constitution of**
6 **the Tohono O’odham Nation, Article VI, Section 1(c)(2) and 1(b)); and**

7 **WHEREAS, in 1985 the Papago Council enacted the Papago Employment Rights Ordinance**
8 **(“TERO Ordinance”), thereby establishing the Papago Employment Rights**
9 **Commission (a.k.a., “TERO Commission”) and vesting the Council with the power**
10 **to select, appoint, and remove TERO Commissioners by resolution (13 Tohono**
11 **O’odham Code, Chapter 1 Tribal Employment Rights); and**

12 **WHEREAS, in 2012, the Nation suspended the TERO Commissioners by Resolution No. 12-**
13 **384 “Suspending TERO Commissioners” and ultimately removed the TERO**
14 **Commissioners by Resolution No. 14-060 “Removing TERO Commissioners”; and**

15 **WHEREAS, in 2013 when the TERO Commissioners were suspended but had not yet been**
16 **removed, interim TERO Commissioners were appointed, until successors could**
17 **be appointed, so that the Commission could conduct business, ensure that**
18 **Indian preference was enforced, and provide necessary services for the Nation’s**
19 **members (Resolution No. 13-354); and**

20 **WHEREAS, because all of the interim Commissioners have resigned, the interim TERO**
21 **Commission can no longer form a quorum and can no longer conduct business;**
22 **and**

23 **WHEREAS, the Human Resources Development Committee recommends appointing the**
24 **Human Resources Development Committee members as interim TERO**
25 **Commissioners until successors are appointed or as otherwise provided by**
26 **subsequent action of the Legislative Council.**

27 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O’odham Legislative Council appoints**
28 **Representatives Chester Antone, Louis R. Lopez, Daniel L.A. Preston, III, Sandra**
29 **Ortega and Barbara Havier as interim TERO Commissioners for a term of six**

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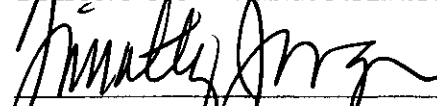
1 months beginning on the effective date of this resolution; and further provided
2 that nothing in this resolution precludes the Legislative Council from
3 appointing TERO Commissioners to replace interim TERO Commissioners
4 during their six-month term and that the Nation's Board Appointment
5 Guidelines shall not apply to the appointments made by this resolution.

6 **BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that if an interim TERO
7 Commissioner appointed by this resolution no longer serves on the Human
8 Resources Development Committee for any reason, his appointment shall
9 expire immediately.

10 **BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that the interim TERO
11 Commissioners appointed by this resolution shall not be eligible for per diem,
12 mileage, travel expenses or any other payments as interim TERO
13 Commissioners, but may be reimbursed for mileage from the Legislative Branch
14 budget in accordance with applicable Legislative Branch policies.

15 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11th
16 day of FEBRUARY, 2016 at a meeting at which a quorum was present with a vote of 3,021.4 FOR;
17 -0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by
18 Article VI, Section 1 (c)(2) and (b) of the Constitution of the Tohono O'odham Nation, adopted by
19 the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
20 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of
21 June 18, 1934 (48 Stat.984).

22
23 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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26
27 Timothy Joaquin, Legislative Chairman

28
29 17 day of February, 2016

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33 ATTEST:

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36 Evonne Wilson, Legislative Secretary

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38 12 day of February, 2016

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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 February, 2016 at 1:29 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.

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

APPROVED
 DISAPPROVED

on the 18 day of February, 2016
at 4:47 o'clock, p.m.



EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 19 day of
February, 2016, at 9:35 o'clock, a.m.



Evonne Wilson, Legislative Secretary

ACTION: APPOINTING THE HUMAN RESOURCES DEVELOPMENT COMMITTEE MEMBERS AS INTERIM TERO COMMISSIONERS

MOTION: COUNCILWOMAN SANDRA ORTEGA

SECOND: COUNCILWOMAN MONICA K. MORGAN

DATE: FEBRUARY 11, 2016

| DISTRICT | LEGISLATIVE REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|----------------------|-------------------------------------------------------------------------------|----------------|----------------|------------|------------|-------------|
| BABOQUIVARI 367.2 | 1. FRANCES MIGUEL (Roberta E. Harvey) | 183.60 | X | | | |
| | 2. VERNON J. SMITH (<i>Absent</i>) (Gloria Zazueta) (<i>Present</i>) | 183.60 | X | | | |
| CHUKUT KUK 332.1 | 1. ETHEL GARCIA (Marlakay K. Henry) | 166.05 | X | | | |
| | 2. BILLMAN LOPEZ (Patricia Vicenti) | 166.05 | X | | | |
| GUACHI 265.0 | 1. TIMOTHY L. JOAQUIN (Louis L. Johnson) | 132.50 | X | | | |
| | 2. LORETTA LEWIS () | 132.50 | X | | | |
| GU VO 250.6 | 1. GRACE MANUEL (Dallas Lewis) | 125.30 | X | | | |
| | 2. PAMELA ANGHILL (Jeffery Antone, Sr.) | 125.30 | X | | | |
| HICKIWAN 205.8 | 1. LOUIS R. LOPEZ (Shirley Molina) | 102.90 | X | | | X |
| | 2. SANDRA ORTEGA () | 102.90 | X | | | |
| PISINEMO 219.9 | 1. CHESTER ANTONE () | 109.95 | X | | | X |
| | 2. MONICA K. MORGAN () | 109.95 | X | | | |
| SAN LUCY 226.5 | 1. DIANA MANUEL () | 113.25 | X | | | |
| | 2. JANA MONTANA (Gloria Ramirez) | 113.25 | X | | | |
| SAN XAVIER 228.6 | 1. DANIEL L.A. PRESTON III () | 114.30 | X | | | |
| | 2. RACHEAL VILSON-STONER (Olivia Villegas-Liston) | 114.30 | X | | | |
| SCHUK TOAK 180.6 | 1. ANTHONY J. FRANCISCO JR. () | 90.30 | X | | | |
| | 2. QUINTIN C. LOPEZ (<i>Absent</i>) (John Fendenheim) (<i>Present</i>) | 90.30 | X | | | |
| SELLS 513.5 | 1. ARTHUR WILSON (Beverly Rivas) | 256.75 | X | | | |
| | 2. BARBARA HAVIER () | 256.75 | X | | | |
| SIF OIDAK 231.6 | 1. LUCINDA ALLEN (Nicholas Jose) | 115.80 | X | | | |
| | 2. MARY LOPEZ () | 115.80 | X | | | |
| TOTAL | | 3,021.4 | 3,021.4 | -0- | -0- | [02] |