LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL (Appointees to the Nation's Treasurer and Other Officers and Heads of Governmental Departments that are Disapproved by the Legislative Council No Longer in Office)

LEGISLATIVE ORDER NO. 16-310

1	WHEREAS,	Article VII, Section 2(e) of the Constitution of the Tohono O'odham Nation
2		provides that the Nation's
3		chairman shall be the chief executive officer of the Tohono O'odham
4		Nation and shall exercise the following powers, subject to all express
5		limitations contained in this constitution (e) With the approval of the
6		Tohono O'odham Council, to appoint the treasurer, and other officers and
7		heads of all governmental departments, who shall serve until replaced at
8		the request of the chairman.
9		(Constitution, Article VII, Section 2(e)); and
10	WHEREAS,	in accordance with the Legislative Council's power to approve or disapprove the
11		chairperson's appointment of the Nation's treasurer, and other officers and
12		heads of all governmental departments, an appointee who has been disapproved
13		by the Legislative Council has customarily immediately ceased to perform the
14		functions of that office; and
15	WHEREAS,	pursuant to Article III, Section 6(B) of the Legislative Rules of the Tohono
16		O'odham Legislative Council, the Legislative Council committees have received
17		and reviewed the resumes and detailed written background investigation reports
18		for the Chairman's appointees to Nation's treasurer, chief administrative officer,
19		Gaming Office executive director, Education Department executive director, and
20		other officers or heads of governmental departments; interviewed the
21		appointees; and the appointments have been added to the Legislative Council's
22		July general session for consideration; and
23	WHEREAS,	the Legislative Council has convened in general session and reviewed the
24		appointees' resumes, job descriptions, and background investigation reports;
25		interviewed the appointees; and has conducted or scheduled individual roll call
26		votes for each appointee; and
27	WHEREAS,	a majority of the Legislative Council voted against and, pursuant to its authority
28		under Article VII, Section 2(e) of the Nation's Constitution, thereby disapproved
29		the Chairman's appointees to the position of chief administrative officer
30		(Resolution No. 16-301), Gaming Office executive director (Resolution No. 16-304),
31		and Education Department executive director (Resolution No. 16-302); and

		to the Nation's Treasurer and Other Officers and Heads of Governmental Departments pproved by the Legislative Council No Longer in Office)
1	WHEREAS,	the Nation's Chairman has advised the Legislative Council that the appointees the
2	:	Council disapproved will continue to serve and be compensated in the
3	į.	disapproved offices for an indefinite period until replaced at the Chairman's
4		discretion; and
5	WHEREAS,	the Chairman's position that disapproved appointees may continue in office
6		indefinitely after the Council's disapproval would nullify the Council's
7		constitutional authority in the appointment process and could allow
8		disapproved appointees to serve for the Chairman's entire term in office without
9		the Council's approval in violation of the Constitution; and
10	WHEREAS,	disapproved appointees' exercise of signature authority and the performance of
11		other functions in offices they no longer hold jeopardizes government services
12		that are provided to members; and
13	WHEREAS,	the continued compensation of disapproved appointees is not justified by the
14		Constitution of the Tohono O'odham Nation, jeopardizes the Nation's financial
15		integrity, and exposes the Nation to a risk of loss.
16	NOW, THERE	FORE, BE IT ORDERED by the Tohono O'odham Legislative Council that it does not
17		recognize or acknowledge any authority of an appointee who has been
18		disapproved by the Legislative Council to continue to act in, or be compensated
19		for, the position for which the appointee was disapproved beginning on the
20		effective date of the failed resolution, including but not limited to the
21		disapproved appointees for chief administrative officer (Resolution No. 16-301),
22		Gaming Office executive director (Resolution No. 16-304), and Education
23		Department executive director (Resolution No. 16-302).
24	BE IT FURTH	ER ORDERED by the Legislative Council that it urges the Nation's Chairman to no
25		longer allow the disapproved appointees to continue to serve in violation of the
26		Constitution of the Tohono O'odham Nation.
27	BE IT FINAL	LY ORDERED by the Legislative Council that it urges the Nation's Chairman to
28		promptly present qualified appointees, background investigation reports, and
29		accompanying relevant documents to the respective legislative committees, and
30		ultimately to the Council pursuant to the Legislative Rules and Constitution of the
31		Tohono O'odham Nation.
32		
33		

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The foregoing Order was passed by the Tohono O'odham Legislative Council on the 19TH day of JULY, 2016 at a meeting at which a quorum was present with a vote of 2,210.1 FOR; 479.2 AGAINST; 332.1 [03] NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Article V, Section 1; Article VI, Section 1; Article VI, Section 1(d) and Article VII, Section 2(e) 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).

Timothy Joaquin, Legislative Chairman 7000 day of 7000 2 7 , 2016

ATTEST:

Evonne Wilson, Legislative Secretary

19 day of July , 201

ACTION: APPOINTEES TO THE NATION'S TREASURER AND OTHER OFFICERS AND HEADS OF GOVERNMENTAL DEPARTMENTS THAT ARE DISAPPROVED BY THE LEGISLATIVE COUNCIL NO LONGER IN OFFICE

MOVED: COUNCILWOMAN BARBARA HAVIER SECOND: COUNCILWOMAN LORETTA LEWIS

DATE: JULY 19, 2016

DATE:	JULY 19, 2016	5					
	DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
	BABOQUIVARI 367.2	1. FRANCES MIGUEL (Roberta E. Harvey) 2. VERNON J. SMITH	183.60	X		-	
	CHUKUT KUK 332.1	(Gloria Zazueta) 1. ETHEL GARCIA (Marlakay Henry)	183.60	X		x	
		2. BILLMAN LOPEZ (Patricia Vicenti)	166.05			X	
	GU ACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson) 2. LORETTA LEWIS	132.50	X			х
		()	132.50	X			!
	GU VO 250.6	1. GRACE MANUEL (Dallas Lewis)	125.30		Х		
		2. PAMELA ANGHILL (Jeffery Antone, Sr.)	125.30		X		X
	HICKIWAN 205.8	1. LOUIS R. LOPEZ (Shirley Molina)	102.90	Х			
		2. SANDRA ORTEGA ()	102.90	X			
-	PISINEMO 219.9	1. CHESTER ANTONE	109.95	Х		X	
		2. MONICA K. MORGAN	109.95	х			
	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		X
	SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR.	90.30	х			
		2. QUINTIN C. LOPEZ (John Fendenheim)	90.30	X			X
	SELLS 513.5	1. ARTHUR WILSON (Absent) (Beverly Rivas) (Present)	256.75	х			
		2. BARBARA HAVIER	256.75	X		i	
	SIF OIDAK 231.6	1. LUCINDA ALLEN (Nicholas Jose)	115.80	X			
		2. MARY LOPEZ ()	115.80	X			
		TOTAL	3,021.4	2,210.1	479.2	332.1 [03]	[04]