

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Extending Interim TERO Commissioners Appointments)**

RESOLUTION NO. 16-412

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. 12-384
13 “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 to serve until successors
17 could 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 interim Commissioners had resigned, Representatives Chester
21 Antone, Louis R. Lopez, Daniel L.A. Preston, III, Sandra Ortega and Barbara Havier
22 were appointed as interim TERO Commissioners until successors were appointed
23 or as otherwise provided by subsequent action of the Legislative Council
24 (Resolution No. 16-063); and

25 **WHEREAS,** it is in the Nation’s best interest that the interim commissioner appointments be
26 extended until successors are appointed to exercise the Commission’s functions
27 and evaluate TERO operations.

28 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O’odham Legislative Council extends the
29 appointments of Representatives Chester Antone, Louis R. Lopez, Daniel L.A.
30 Preston, III, Sandra Ortega and Barbara Havier as interim TERO Commissioners;
31 provided that

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- 1 (1) nothing in this resolution precludes the Legislative Council from
2 appointing TERO Commissioners to replace interim TERO Commissioners;
3 (2) if an interim TERO Commissioner appointed by this resolution no longer
4 serves on the Human Resources Development Committee for any reason,
5 his appointment shall expire immediately;
6 (3) the interim TERO Commissioners appointed by this resolution shall not be
7 eligible for per diem, mileage, travel expenses or any other payments as
8 interim TERO Commissioners, but may be reimbursed for mileage from
9 the Legislative Branch budget in accordance with applicable Legislative
10 Branch policies; and
11 (4) the term of each interim Commissioner shall be extended until a
12 successor has been appointed.

13 **BE IT FINALLY RESOLVED** that permanent TERO Commissioners shall be appointed in
14 accordance with 13 T.O.C. Chapter 1 and the Tohono O'odham Nation Board
15 Appointment Guidelines.

16 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 22ND day
17 of AUGUST, 2016 at a meeting at which a quorum was present with a vote of 3,021.4 FOR; -0-
18 AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by
19 Article VI, Section 1(c)(2) and 1(b) of the Constitution of the Tohono O'odham Nation, adopted by
20 the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
21 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
22 18, 1934 (48 Stat.984).

23 TOHONO O'ODHAM LEGISLATIVE COUNCIL

24  fcl

25 Timothy Joaquin, Legislative Chairman

26 27TH day of August, 2016

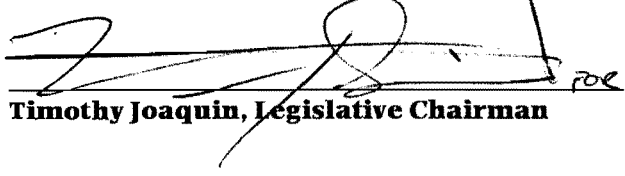
27 ATTEST:

28 
29 Evonne Wilson, Legislative Secretary

30 24 day of August, 2016

31 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
32 O'odham Nation on the 24 day of August, 2016 at 11:07 o'clock, AM .m.,
33 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
34 effective upon his approval or upon his failure to either approve or disapprove it within 48
35 hours of submittal.
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TOHONO O'ODHAM LEGISLATIVE COUNCIL


Timothy Joaquin, Legislative Chairman

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APPROVED

on the 24 day of August, 2016

DISAPPROVED

at 2:00 o'clock, p. .m.


EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 24 day of

August, 2016, at 4:22 o'clock, p. .m.


Evonne Wilson, Legislative Secretary

ACTION: EXTENDING INTERIM TERO COMMISSIONERS APPOINTMENTS

MOVED: COUNCILMAN QUINTIN C. LOPEZ

SECOND: COUNCILMAN DANIEL L.A. PRESTON III

DATE: AUGUST 22, 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 (Gloria Zazueta)	183.60	X			
CHUKUT KUK 332.1	1. ETHEL GARCIA (Marlakay K. Henry)	166.05	X			
	2. BILLMAN LOPEZ (Patricia Vicenti)	166.05	X			
GU ACHI 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			
	2. SANDRA ORTEGA ()	102.90	X			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 ()	114.3	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.3	X			
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ()	90.3	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.3	X			
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75	X			
	2. BARBARA HAVIER ()	256.75	X			
SIF OIDAK 231.6	1. IUCINDA ALLEN (Nicholas Jose)	115.80	X			
	2. MARY LOPEZ ()	115.80	X			
TOTAL		3,021.4	3,021.4	-0-	-0-	[02]