

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Compensation Schedule for Full-Time Judges and FY 2017 Judicial
Branch Budget Amendment No. 1)**

RESOLUTION NO. 16-457

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Legislative Council with
2 the authority to establish compensation for Tohono O'odham Judicial Court
3 judges ("Judicial Court judges") (Constitution, Article VIII, Section 9); and
4 **WHEREAS,** the Constitution also vests the Legislative Council with authority "to manage any
5 funds within the exclusive control of the Tohono O'odham Nation . . . and to
6 appropriate these funds for the benefit of the nation and its members" provided
7 that "[a]ll expenditures of these funds shall be pursuant to appropriations or
8 budgets" authorized by resolution or ordinance (Constitution, Article VI, Section
9 1(d)(2)); and
10 **WHEREAS,** the Legislative Council recognizes the need to maintain competitive salaries for
11 Judicial Court judges in order to facilitate the administration of justice and to
12 maintain the highest level of judicial service delivery to the members of the
13 Tohono O'odham Nation; and
14 **WHEREAS,** the Nation has been challenged by the inability to attract and retain qualified full-
15 time Judicial Court judges at existing salary levels; and
16 **WHEREAS,** although the Legislative Council adjusted the compensation levels of all Nation's
17 employees in 2011, the Legislative Council last adopted a detailed compensation
18 schedule for judges in 1997 and judges' salaries have not been fully adjusted to
19 the market since 2001; and
20 **WHEREAS,** as a result, judges' salaries are \$50,000-\$100,000 lower than federal and state trial
21 court judges' salaries, the chief judge's salary is \$42,000-\$87,000 lower than the
22 salaries the Legislative Council has approved for other administrators, and the
23 salaries for Nation's judges who are licensed attorneys are \$70,000-\$98,000 lower
24 than salaries the Legislative Council has approved for many of the Nation's
25 experienced civil attorneys; and
26 **WHEREAS,** as the legislative oversight committee for the Tohono O'odham Judiciary, the
27 Judiciary Committee, in coordination with the Judicial Branch administration,
28 has prepared the "Compensation Schedule for Full-Time Judges," which is
29 incorporated by reference; and
30 **WHEREAS,** the compensation levels and adjusted salary amounts recommended are
31 consistent with the qualifications the Legislative Council has established for
32 judges in 6 Tohono O'odham Code Chapter 1, Section 1103, and comparable to
33 salaries already approved by the Legislative Council for Nation's administrators
34 and attorneys; and

RESOLUTION NO. 16-457

(Approving Compensation Schedule for Full-Time Judges and FY 2017 Judicial Branch Budget Amendment No. 1)

Page 2 of 3

1 **WHEREAS, the FY 2017 Judicial Branch Budget in the amount of \$6,325,367.10 was approved**
2 **by Resolution No. 16-325; and**

3 **WHEREAS, the salary adjustments reflecting the Compensation Schedule for Full-Time**
4 **Judges are incorporated in the FY 2017 Judicial Branch Budget Amendment No. 1,**
5 **which will increase FY 2017 Judicial Branch Budget by \$435,075.59, from**
6 **\$6,325,367.10 to \$6,760,442.69 that will be funded by the Nation's general fund;**
7 **and**

8 **WHEREAS, the Judiciary Committee has reviewed the Compensation Schedule for Full-Time**
9 **Judges and accompanying FY 2017 Judicial Branch Budget Amendment No. 1 with**
10 **the Budget and Finance Committee and recommends approval.**

11 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
12 **Compensation Schedule for Full-Time Judges, which will take effect October 1,**
13 **2016.**

14 **BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council approves FY 2017**
15 **Judicial Branch Budget Amendment No. 1, which includes a \$435,075.59 increase**
16 **from \$6,325,367.10 to \$6,760,442.69 that will be funded by the Nation's general**
17 **fund.**

18 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the chief judge is**
19 **authorized to expend and administer the 2017 Judicial Branch Budget as**
20 **amended, provided however, that any amendments or modifications shall be**
21 **submitted for prior approval by the Tohono O'odham Legislative Council.**

22 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 15TH**
23 **day of SEPTEMBER, 2016 at a meeting at which a quorum was present with a vote of 1,736.3 FOR;**
24 **1,285.1 AGAINST; -0- NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council**
25 **by Article VI, Section 1(d)(2) and (3); Article VIII, Section 9 of the Constitution of the Tohono**
26 **O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by**
27 **the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant**
28 **to Section 16 of the Act of June 18, 1934 (48 Stat.984).**

31 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

32 
33 _____
34 **Timothy Joaquin, Legislative Chairman**

35 20 day of Sept, 2016
36
37
38
39
40
41
42
43

RESOLUTION NO. 16-457

(Approving Compensation Schedule for Full-Time Judges and FY 2017 Judicial Branch Budget Amendment No. 1)

Page 3 of 3

1 ATTEST:

2 *Evonne Wilson*

3
4 Evonne Wilson, Legislative Secretary

5
6 19 day of September, 2016

7
8 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
9 O'odham Nation on the 28 day of Sept, 2016 at 10:19 o'clock, a .m.,
10 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
11 effective upon his approval or upon his failure to either approve or disapprove it within 48
12 hours of submittal.

13
14 TOHONO O'ODHAM LEGISLATIVE COUNCIL

15
16 *Timothy Joaquin*
17
18
19 Timothy Joaquin, Legislative Chairman

20
21
22
23
24 APPROVED

on the 29 day of September, 2016

25
26 DISAPPROVED

at 10:01 o'clock, A .m.

27
28
29 *Edward D. Manuel*
30 EDWARD D. MANUEL, CHAIRMAN
31 TOHONO O'ODHAM NATION

EXCEEDED 48 HOURS

32
33
34
35
36
37
38 Returned to the Legislative Secretary on the 22 day of

39 September, 2016, at 11:00 o'clock, a .m.

40
41 *Evonne Wilson*
42
43
44 Evonne Wilson, Legislative Secretary

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53

ACTION: APPROVING COMPENSATION SCHEDULE FOR FULL-TIME JUDGES AND FY 2017 JUDICIAL BRANCH BUDGET AMENDMENT NO. 1

MOVED: COUNCILMAN DANIEL L.A. PRESTON, III

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: SEPTEMBER 15, 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		
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 (<i>Absent</i>) (Shirley Molina) (<i>Present</i>)	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			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(<i>Absent</i>) (Olivia Villegas-Liston)(<i>Present</i>)	114.30	X			X
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ()	90.30	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	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		X
	2. MARY LOPEZ ()	115.80		X		
TOTAL		3,021.4	1,736.3	1,285.1	-0-	[05]