

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving FY 2021 Tohono O'odham Nation Executive, Judicial, and Legislative
Tri-Branch Tohono O'odham Nation Pay Plan Effective October 1, 2020)

RESOLUTION NO. 21-127

1 **WHEREAS,** the Tohono O'odham Legislative Council is authorized "to manage any funds
2 within the exclusive control of the Tohono O'odham Nation . . . and to appropriate
3 these funds for the benefit of the nation and its members" provided that "[a]ll
4 expenditures of these funds shall be pursuant to appropriations or budgets"
5 authorized by resolution or ordinance (Constitution of the Tohono O'odham
6 Nation, Article VI, Section 1(d)(2)); and

7 **WHEREAS,** the Legislative Council is vested with separate authority to set the compensation
8 of Nation's judges, the Nation's chairperson and vice-chairperson, and
9 Legislative Council representatives and alternates; and

10 **WHEREAS,** the Tohono O'odham Nation recognizes the continuing need to maintain a
11 competitive salary and position classification for its employees in order to
12 facilitate the highest level of service delivery to members of the Tohono O'odham
13 Nation; and

14 **WHEREAS,** in 2017 through 2019, the Tohono O'odham Nation contracted with Valliant
15 Consulting Group ("VCG") to conduct a comprehensive classification,
16 compensation and benefits study of employees, but not elected or appointed
17 officials, in the Nation's Executive, Legislative, and Judicial Branches job
18 positions ("Tri-Branch"); and

19 **WHEREAS,** VCG provided position description questionnaires ("PDQs") and conducted a
20 market survey of comparable positions and employers; and

21 **WHEREAS,** based on the final recommendation for the Tohono O'odham Nation Tri-Branch
22 Classification and Compensation Study, the Human Resources Department
23 assessed its contents, new pay grades, steps, and classifications for incumbents
24 and vacant positions and will implement a compensation plan to bring all job
25 positions to Valliant's recommended salary at market rate/mid-point; and

26 **WHEREAS,** the Nation will maintain the current pay plan for non-exempt and exempt
27 positions on a single salary range table; and

28 **WHEREAS,** the Arizona minimum wage increased to \$12.15 per hour effective January 1, 2021
29 and is applicable to the Tohono O'odham Nation's compensation plan, grade, and
30 step; and

31 **WHEREAS,** the 2021 Pay Plan implements a moratorium on any new position classifications
32 that include salary increases from the effective date of this resolution to
33 September 30, 2021 and provides an exception for Intergovernmental Personnel

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1 Act ("IPA") or a Memorandum of Agreement ("MOA") personnel moving to direct
2 hire; and

3 **WHEREAS,** the Human Resources Development and Budget and Finance Committees have
4 reviewed the Tohono O'odham Nation Tri-Branch Classification and
5 Compensation Study, and the 2021 Tohono O'odham Nation Pay Plan and
6 Implementation Plan and recommend their adoption.

7 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council approves and
8 adopts the 2021 Tohono O'odham Nation Pay Plan and Implementation Plan
9 effective retroactively October 1, 2020 for employees of the Executive, Legislative,
10 and Judicial Branches and Tohono O'odham Nation Health Care for Fiscal Year
11 2021 in the following amounts:

12	Executive Branch	\$3,596,825.27
13	Legislative Branch	\$ 11,307.43
14	Judicial Branch	\$ 196,672.24
15	Tohono O'odham Nation Health Care	\$1,272,667.80
16	Total	\$5,077,472.74

17 **BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that the 2021 Tohono
18 O'odham Nation Pay Plan and Implementation Plan cost impact of \$5,077,472.74
19 shall be funded by the following funding sources and amounts:

20	Funding Source	Amount
21	General Fund	\$3,639,064.85
22	Initiative Program Funding	\$ 48,866.64
23	SAWRSA	\$ 23,393.42
24	TON Health Care Title V	\$ 93,480.03
25	TON Health Care Third Party	\$1,272,667.80
26	Total	\$5,077,472.74

27 **BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that the 2021 Tohono
28 O'odham Nation Pay Plan and Implementation Plan approved by this resolution
29 includes FY 2021 general fund funding in the amount of \$873,228.17 for non-
30 tribally funded positions, including grant, contract, and other written
31 agreement/resources including Department of Health and Human Services Third
32 Party Revenue, provided that these non-tribally funded programs will seek non-
33 tribal funds to pay for this Pay Plan and Implementation Plan in subsequent
34 fiscal years.

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1 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council approves amendments
2 to all FY 2021 budgets and future base budgets of the Nation's Executive,
3 Legislative, and Judicial Branches and Tohono O'odham Nation Health Care to
4 reflect the 2021 Tohono O'odham Nation Pay Plan and Implementation Plan in
5 the amounts identified and authorizes the Nation's chairperson, Office of the
6 Treasurer, and Accounting Office to take all necessary steps to ensure that all FY
7 2021 budgets are adjusted accordingly.


8 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council adopts a minimum
9 wage of \$12.15 per hour for employees within the Tohono O'odham Nation
10 Executive, Judicial, and Legislative Branches.

11 **BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that the FY 2021 Tohono
12 O'odham Nation Pay Plan and Implementation Plan shall be implemented by the
13 Human Resources Department for the Executive Branch and the FY 2021 Tohono
14 O'odham Nation Pay Plan and Implementation Plan shall be implemented
15 consistent with the respective personnel policies and procedures for each branch
16 of the Nation's government subject to Legislative Council resolutions setting
17 compensation for elected and appointed officials or employees.

18 **BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that the Nation's
19 chairperson, the Nation's chief judge, and the Legislative Council chairperson or
20 their designees are authorized to administer the FY 2021 Tohono O'odham Nation
21 Pay Plan for employees within their respective branches and to incorporate the
22 adjusted compensation rates into the base budgets of the respective Tri-Branch
23 Budgets, provided that any amendments or modifications shall be submitted for
24 prior approval by the Tohono O'odham Legislative Council.

25 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 14TH
26 day of APRIL, 2021 at a meeting at which a quorum was present with a vote of 2,622.85 FOR;
27 552.85 AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council
28 by Article VI, Section 1(d)(2) and (3); Article VII, Section 4, Article VIII, Section 9 of the
29 Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on
30 January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs
31 (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).
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TOHONO O'ODHAM LEGISLATIVE COUNCIL

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39 Timothy Joaquin, Legislative Chairman

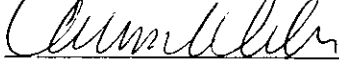
40 16 day of April, 2021
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1 **ATTEST:**


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4 **Evonne Wilson, Legislative Secretary**

5 15 day of April, 2021

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8 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
9 **O'odham Nation on the 14 day of April, 2021 at 10:21 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.**

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14 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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17 **Timothy Joaquin, Legislative Chairman**

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22 **APPROVED**

23 on the 16 day of April, 2021

24 **DISAPPROVED**

25 at 2:30 o'clock, p .m.

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28 **NED NORRIS, JR., CHAIRMAN**
29 **TOHONO O'ODHAM NATION**

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35 **Returned to the Legislative Secretary on the 16 day of**

36 April, 2021, at 2:45 o'clock, p .m.

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39 **Evonne Wilson, Legislative Secretary**

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ACTION: APPROVING FY 2021 TOHONO O'ODHAM NATION EXECUTIVE, JUDICIAL, AND LEGISLATIVE TRI-BRANCH TOHONO O'ODHAM NATION PAY PLAN EFFECTIVE OCTOBER 1, 2020

MOVED: COUNCILMAN DANIEL L.A. PRESTON III

SECOND: COUNCILWOMAN JANICE FELIX

DATE: APRIL 14, 2021

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 384.8	1. LEANDER MASE (Francine Schooling)	192.40	X			
	2. ALBERTA J. RAY (Frances G. Antone)	192.40	X			
CHUKUT KUK 347.5	1. VIVIAN JUAN-SAUNDERS (Juanita Homer)	173.75	X			
	2. MARLAKAY HENRY (Billman Lopez)	173.75	X			
GU ACHI 279.3	1. VICTORIA HOBBS ()	139.65		X		
	2. TIMOTHY L. JOAQUIN (<i>Absent</i>) (Louis L. Johnson) (<i>Present</i>)	139.65		X		X
GU VO 264.5	1. DALLAS LEWIS (Nacho Flores)	132.25	X			
	2. GRACE MANUEL ()	132.25	X			
HICKIWAN 213.8	1. SANDRA D. ORTEGA ()	106.90	X			
	2. LOUIS R. LOPEZ (<i>Absent</i>) (Delma M. Garcia) (<i>Present</i>)	106.90	X			X
PISINEMO 230.7	1. MONICA K. MORGAN ()	115.35	X			
	2. MARIETTA MARTIN ()	115.35	X			
SAN LUCY 235.6	1. GLORIA RAMIREZ ()	117.80	X			
	2. JANA MONTANA (Lorraine M. Eiler)	117.80	X			
SAN XAVIER 238.9	1. JANICE FELIX (Adam Andrews)	119.45	X			
	2. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	119.45	X			
SCHUK TOAK 189.0	1. QUINTIN C. LOPEZ (Agnes V. Joaquin)	94.50	X			
	2. TERESA F. DONAHUE (Alberta Espinoza)	94.50	X			
SELLS 547.1	1. EVELYN JUAN MANUEL ()	273.55	X			
	2. ARTHUR WILSON ()	273.55		X		
SIF OIDAK 244.5	1. LUCINDA ALLEN (Yolonda Garcia)	122.25	X			
	2. MARY LOPEZ (<i>Absent</i>) (Ann M. Garcia) (<i>Present</i>)	122.25	X			
TOTAL		3,175.7	2,622.85	552.85	-0-	[02]