

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Repealing Resolution No. 20-121 "Suspending Timeframes in the Appointed
Officers Law Due to the COVID-19 Pandemic")**

RESOLUTION NO. 21-427

- 1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Nation's chairman with
2 the authority to appoint the Nation's treasurer, and other officers and heads of all
3 governmental departments with the approval of the Tohono O'odham Legislative
4 Council (Constitution, Article VII, Section 2(e)); and
- 5 **WHEREAS,** the Nation's Appointed Officers law provides the process for review and
6 consideration of the Nation's Chairman's appointments for treasurer, and other
7 officers and heads of all governmental departments officers, including different
8 timeframes for oversight committee and Council review (1 Tohono O'odham Code
9 Chapter 4); and
- 10 **WHEREAS,** pursuant to Section 4003(B) of the Appointed Officers law, the appropriate
11 legislative oversight committee shall be provided with the current job
12 description for the appointed officer's position, and the appointee's current
13 resume, contact information, and a written background investigation report
14 completed within 30 days of submission to the committee. . ." (1 Tohono O'odham
15 Code Chapter 4); and
- 16 **WHEREAS,** on June 14, 2019, the Legislative Council considered and approved Chairman
17 Norris' appointed officers for the following departments: Water Resources,
18 Education, Health and Human Services, Public Safety, Treasury, Tohono
19 O'odham Gaming Office, and Chief Administrative Officer; and
- 20 **WHEREAS,** on March 13, 2020, the Nation's Chairman, in response to the rapid spread of
21 COVID-19 in the United States and confirmed presences in the State of Arizona,
22 declared a State of Emergency for the Tohono O'odham Nation and established
23 the Nation's Unified Command to coordinate necessary policies and to direct
24 resources; and
- 25 **WHEREAS,** by Resolution No. 20-094, the Legislative Council authorized the Nation's
26 Chairman and Vice-Chairwoman to prepare, mitigate, prevent, respond, and
27 recover from the COVID-19 pandemic by taking a number of authorized actions;
28 and
- 29 **WHEREAS,** by Resolution No. 20-121, in response to the Rules Committee's recommendation
30 and based upon the closure of the Legislative Branch offices and pause of in-
31 person meetings, the Legislative Council suspended all time periods prescribed
32 in the Appointed Officers law for appointed officer appointees until 30 days after

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1 the first business day when Legislative Branch offices are reopened to the public;
2 and

3 **WHEREAS,** although the Legislative Branch offices have been closed since March 19, 2020,
4 the Legislative Council committees have continued to meet virtually for regular
5 committee meetings and the Legislative Council has continued to conduct official
6 business during general, special, and emergency sessions using virtual meeting
7 technology; and

8 **WHEREAS,** individuals have been serving as appointed officers for the following
9 departments for more than 120 days without approval of their appointments by
10 the Legislative Council: Membership Services, Department of Natural Resources,
11 and Department of Planning and Economic Development; and

12 **WHEREAS,** the Rules Committee recommends repealing Resolution No. 20-121 to allow for
13 the five remaining appointed officers appointments to move forward to the
14 Legislative Council with some modifications to the Nation's Appointed Officer law
15 to allow flexibility in response to the continued office closure and to adhere to
16 public health measures.

17 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council repeals
18 Resolution No. 20-121 on the effective date of this resolution.

19 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council, notwithstanding 1
20 Tohono O'odham Code Chapter 4, authorizes:

- 21 1. an appointee who has undergone the Appointed Officers process pursuant to
22 Section 4003(B) and (C) to proceed to the Legislative Council, provided that the
23 background investigation report shall be updated and reviewed by the
24 respective oversight committee prior to the appointee's interview with the
25 Legislative Council;
- 26 2. the start of the process of review and consideration pursuant to the Appointed
27 Officers law by the appropriate oversight committee regardless of the status
28 of the Legislative Branch offices closure, provided that a background
29 investigation report shall be considered valid for 90 days after it is completed;
- 30 3. elimination of the in-person interview requirement in the Appointed Officers
31 law to allow virtual committee and Legislative Council interviews.

32 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council, notwithstanding 1
33 Tohono O'odham Code Chapter 4, requires all appointees who have served more
34 than 180 days prior to the enactment of this resolution undergo the committee

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and Council review process pursuant to the Appointed Officers law for Council approval of the appointment within 120 days of the effective date of this resolution.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 16TH day of NOVEMBER, 2021 at a meeting at which a quorum was present with a vote of 3,218.0 FOR; -0- AGAINST; [01] NOT VOTING; and -0- ABSENT, pursuant to the powers vested in the Council by, Article V, Section 1; Article VI, Section 1 and 1(a), 1(b), 1(d) and 1(l), and Article VII, Section 2(a), (d), and (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).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin

Timothy Joaquin, Legislative Chairman

19 day of November, 2021

ATTEST:

Evonne Wilson

Evonne Wilson, Legislative Secretary

19 day of November, 2021

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 19 day of November, 2021 at 2:32 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

Timothy Joaquin, Legislative Chairman

APPROVED

DISAPPROVED

on the 22 day of November, 2021

at 10:48 o'clock, a.m.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 23 day of
November, 2021, at 10:15 o'clock, a.m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: REPEALING RESOLUTION NO. 20-121 "SUSPENDING TIMEFRAMES IN THE APPOINTED OFFICERS LAW DUE TO THE COVID-19 PANDEMIC"

MOVED: COUNCILWOMAN MARY LOPEZ

SECOND: COUNCILWOMAN TERESA F. DONAHUE

DATE: NOVEMBER 16, 2021

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 245.6	1. MARY LOPEZ (Ann M. Garcia)	122.8	X			
	2. LUCINDA ALLEN (Francis Homewytewa)	122.8	X			
SELLS 556.5	1. ARTHUR WILSON ()	278.25	X			
	2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25	X			
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza)	95.25	X			
	2. DELISA M. RAMON (Sharon A. Francisco)	95.25	X			
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	121.3	X			
	2. JANICE FELIX (Adam P. Andrews)	121.3	X			
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eiler)	121.9	X			
	2. ROGER MANUEL (Christina Andrews)	121.9	X			
PISINEMO 232.7	1. MARIETTA MARTIN ()	116.35	X			
	2. EDWARD D. MANUAL (Monica Morgan)	116.35	X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ ()	108.3	X			
	2. SANDRA D. ORTEGA (Absent) (Delma M. Garcia) (Present)	108.3	X			
GU VO 270.7	1. GRACE MANUEL ()	135.35	X			
	2. CYNTHIA SAAVEDRA (Dallas Lewis)	135.35	X			
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN ()	139.25	X			
	2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25	X			
CHUKUT KUK 351.6	1. MARLAKAY HENRY (Billman Lopez)	175.8	X		X	
	2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8	X			
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone)	194.45	X			
	2. LEANDER MASE (Francine Schooling)	194.45	X			
TOTAL		3,218.0	3,218.0	-0-	[01]	-0-