

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Extending the Timeframe for the Appointment of Nation's Department of Natural Resources Executive Director, Dwayne Lopez, Due to Emergency)

RESOLUTION NO. 22-121

- 1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Nation's chairperson
2 with authority to appoint the Nation's treasurer, and other officers and heads of
3 all governmental departments with the approval of the Tohono O'odham
4 Legislative Council (Constitution, Article VII, Section 2(e)); and
- 5 **WHEREAS,** the Nation's Chairman Ned Norris, Jr. has appointed Dwayne Lopez as the Nation's
6 Department of Natural Resources executive director, subject to the approval of
7 the Legislative Council; and
- 8 **WHEREAS,** the Appointed Officers law, 1 T.O.C. Chapter 4, establishes the process for review
9 of appointments by the appropriate oversight committee and the Council and the
10 documents required, including copies of the current job description, the
11 appointee's current resume, contact information, and current written
12 background investigation report; and
- 13 **WHEREAS,** pursuant to Article III, Section 6(B) of the Legislative Rules of the Tohono
14 O'odham Legislative Council, the chairperson's "appointee to the position of
15 treasurer or other officers or heads of governmental departments shall not be
16 added to any Legislative Council session agenda for approval unless the
17 appropriate legislative committee interviews the appointee after receiving a
18 resume and written background investigation report" containing detailed
19 employment, education, credit, litigation, and other information necessary to
20 determine the appointee's qualifications and fitness; and
- 21 **WHEREAS,** by Resolution No. 21-427, the Legislative Council repealed Resolution No. 20-121
22 "Suspending Timeframes in the Appointed Officers Law Due to the COVID-19
23 Pandemic" and authorized:
- 24 1. an appointee who has undergone the Appointed Officers process pursuant
25 to Section 4003(B) and (C) to proceed to the Legislative Council, provided
26 that the background investigation report shall be updated and reviewed
27 by the respective oversight committee prior to the appointee's interview
28 with the Legislative Council;
- 29 2. the start of the process of review and consideration pursuant to the
30 Appointed Officers law by the appropriate oversight committee regardless
31 of the status of the Legislative Branch offices closure, provided that a

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background investigation report shall be considered valid for 90 days after it is completed;

3. elimination of the in-person interview requirement in the Appointed Officers law to allow virtual committee and Legislative Council interviews; and

WHEREAS, by Resolution No. 21-427, the Legislative Council further required that, notwithstanding 1 Tohono O'odham Code Chapter 4, all appointees who have served more than 180 days prior to the enactment of the aforementioned resolution undergo the committee and Council review process pursuant to the Appointed Officers Law for Council approval of the appointment within 120 days of the effective date of the resolution; and

WHEREAS, Natural Resources Department Executive Director Appointee, Dwayne Lopez, was appointed by Chairman Ned Norris Jr. on March 9, 2020, more than 180 days prior to the enactment of Council Resolution No. 21-427 and required Council approval by March 22, 2022 in order to continue to perform the functions of, or be compensated for performing the duties of, an appointed officer pursuant to the Appointed Officers law; and

WHEREAS, due to an emergency, Dwayne Lopez is currently unavailable to undergo the interview process by the Legislative Council Agricultural and Natural Resources Committee and subsequent full Council interview before March 22, 2022; and

WHEREAS, the Legislative Council Agricultural and Natural Resources Committee has received notice of the extenuating circumstances of the emergency and recommend a 30 day extension beyond the 120 day timeframe established by Council Resolution No. 21-427.

NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves a 30 day extension for Natural Resources Executive Director Appointee Dwayne Lopez to undergo the committee and Council review process pursuant to the Appointed Officers law, which shall not exceed April 21, 2022, unless approved by subsequent Council resolution.

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 21ST day of MARCH, 2022 at a meeting at which a quorum was present with a vote of 3,218.0 FOR; -0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by, 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).

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman
22 day of March, 2022

ATTEST:



Evonne Wilson, Legislative Secretary
22 day of March, 2022

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 22 day of March, 2022 at 8:25 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, Legislative Chairman

APPROVED

on the 22 day of March, 2022

DISAPPROVED

at 8:33 o'clock, p.m.



NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 22 day of

March, 2022, at 8:34 o'clock, P.m.



Evonne Wilson, Legislative Secretary

ACTION: EXTENDING THE TIMEFRAME FOR THE APPOINTMENT OF NATION'S DEPARTMENT OF NATURAL RESOURCES EXECUTIVE DIRECTOR, DWAYNE LOPEZ, DUE TO EMERGENCY

Moved: COUNCILWOMAN MARLAKAY HENRY

SECOND: COUNCILWOMAN MARY LOPEZ

DATE: MARCH 21, 2022

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			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. MANUEL (Monica Morgan)	116.35	X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ ()	108.3	X			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			
	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 (Absent) (Francine Schooling) (Present)	194.45	X			
TOTAL		3,218.0	3,218.0	-0-	-0-	[02]