

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Appointing Members of Human Resources Development Committee as
Interim TERO Commissioners)**

RESOLUTION NO. 22-239

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, since renamed as the Tribal Employment Rights Commission (the
10 “TERO Commission”) and vesting the Council with the power to select, appoint,
11 and remove TERO Commissioners by resolution (13 Tohono O’odham Code,
12 Chapter 1 Tribal Employment Rights); and
13 **WHEREAS,** in 2012, the Nation suspended the TERO Commissioners by Resolution No. 12- 384
14 “Suspending TERO Commissioners” and ultimately removed the TERO
15 Commissioners by Resolution No. 14-060 “Removing TERO Commissioners”; and
16 **WHEREAS,** in 2013 when the TERO Commissioners were suspended, but had not yet been
17 removed, interim TERO Commissioners were appointed to serve until successors
18 could be appointed so that the Commission could conduct business, ensure that
19 Indian preference was enforced, and provide necessary services for the Nation’s
20 members (Resolution No. 13-093, No. 13-094, No. 13-095, No. 13-096); and
21 **WHEREAS,** in 2016, because all interim Commissioners had resigned, Representatives
22 Chester Antone, Louis R. Lopez, Daniel L.A. Preston, III, Sandra Ortega, and
23 Barbara Havier were appointed as interim TERO Commissioners for a term of six
24 months and the term of each interim Commissioner was subsequently extended
25 until a successor was appointed (Resolution No. 16-063 and Resolution No. 16-
26 412); and
27 **WHEREAS,** by Resolution No. 17-019, the Legislative Council approved the appointment of
28 Delma M. Garcia to the TERO Commission to replace Representative Barbara
29 Havier; and
30

RESOLUTION NO. 22-249

(Nominating Representative Victoria Hobbs to Serve as a Member on the U.S. Department of Housing and Urban Development-Tribal Intergovernmental Advisory Committee and Representative Edward Manuel as an Alternate Member)

Page 2 of 4

1 **WHEREAS, by Resolution No. 19-241, the Legislative Council approved the appointments of**
2 **Representative Vivian Juan Saunders and Representative Lucinda Allen as**
3 **interim TERO Commissioners until successors are appointed; and**

4 **WHEREAS, by Resolution No. 22-031, the Legislative Council approved the appointment of**
5 **Patricia Antone to the TERO Commission; and**

6 **WHEREAS, on July 1, 2022, Representative Delma M. Garcia resigned from the TERO**
7 **Commission; and**

8 **WHEREAS, it is in the Nation's best interest that additional members of the Human**
9 **Resources Development Committee be appointed as interim TERO**
10 **Commissioners to exercise the Commission's functions while the Committee**
11 **seeks additional TERO Commission applicants.**

12 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council appoints**
13 **Representative Janice Felix, Representative Lucinda Allen, Representative**
14 **DeLisa Ramon, and Representative Delma Garcia as interim TERO**
15 **Commissioners to join TERO Commissioner Patricia Antone, provided that**

- 16 **(1) nothing in this resolution precludes the Legislative Council from**
17 **appointing TERO Commissioners to replace interim TERO**
18 **Commissioners;**
- 19 **(2) if an interim TERO Commissioner appointed by this resolution no longer**
20 **serves on the Human Resources Development Committee for any reason,**
21 **his or her appointment shall expire immediately;**
- 22 **(3) the interim TERO Commissioners appointed by this resolution shall not be**
23 **eligible for per diem, mileage, travel expenses or any other payments as**
24 **interim TERO Commissioners, but may be reimbursed for mileage from**
25 **the Legislative Branch budget in accordance with applicable Legislative**
26 **Branch policies; and**
- 27 **(4) each interim Commissioner shall continue to serve until a successor has**
28 **been appointed.**

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

32

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(Appointing Members of Human Resources Development Committee as Interim TERO Commissioners)

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 15TH day of JULY, 2022 at a meeting at which a quorum was present with a vote of 3,218.0 FOR; -0- AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by, Article VI, Section 1(c)(2) and 1(b) 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 July, 2022

ATTEST:

Evonne Wilson

Evonne Wilson, Legislative Secretary
19 day of July, 2022

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 19 day of July, 2022 at 3:05 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

on the 19 day of July, 2022

DISAPPROVED

at 4:30 o'clock, P.m.

Ned Norris, Jr.

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

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1 Returned to the Legislative Secretary on the 19 day of

2 July, 2022, at 4:59 o'clock, p.m.

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7 **Evonne Wilson, Legislative Secretary**

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ACTION: APPOINTING MEMBERS OF HUMAN RESOURCES DEVELOPMENT COMMITTEE AS INTERIM TERO COMMISSIONERS

MOVED: COUNCILWOMAN JANICE FELIX

SECOND: COUNCILWOMAN DELISA RAMON

DATE: JULY 15, 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 | | | 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. MANUEL (Monica Morgan) | 116.35 | X | | | |
| HICKIWAN 216.6 | 1. LOUIS R. LOPEZ () | 108.3 | X | | | X |
| | 2. DELMA M. GARCIA () | 108.3 | X | | | |
| GU VO 270.7 | 1. GRACE MANUEL () | 135.35 | X | | | |
| | 2. CYNTHIA SAAVEDRA (<i>Absent</i>) (Dallas Lewis) (<i>Present</i>) | 135.35 | X | | | 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 (Francis G. Antone) | 194.45 | X | | | |
| | 2. LEANDER MASE (<i>Absent</i>) (Francine Schooling) (<i>Present</i>) | 194.45 | X | | | |
| | TOTAL | 3,218.0 | 3,218.0 | -0- | -0- | [03] |