

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Modifying the Effective Date of 13 Tohono O'odham Code Chapter 3 -
Whistleblower Protection, Sections 3101, 3104, 3105, and 3107)**

RESOLUTION NO. 23-342

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation provides that "[t]he sovereign
2 powers, authority and jurisdiction of the Tohono O'odham Nation and its
3 government shall extend to all persons and activities carried on within the
4 boundaries of the Tohono O'odham Nation consistent with federal law"
5 (Constitution of the Tohono O'odham Nation, Article I, Section 2); and

6 **WHEREAS,** the Tohono O'odham Legislative Council is vested with the power "to govern the
7 conduct of members of the Tohono O'odham Nation and other persons within its
8 jurisdiction;" "to promote, protect and provide for public health, peace, morals,
9 education and general welfare of the Tohono O'odham Nation and its members;"
10 "to manage any funds within the exclusive control of the Tohono O'odham Nation,
11 including proceeds derived from lands and resources of the Tohono O'odham
12 Nation, and to appropriate these funds for the benefit of the nation and its
13 members;" "to authorize, charter and regulate public or private corporations
14 and associations;" and "to enact laws, ordinances and resolutions necessary or
15 incidental to the exercise of its legislative powers" (Constitution of the Tohono
16 O'odham Nation, Article VI, Section 1(c)(1) and (2), Section 1(d)(2), Section 1(e), and
17 Section 1(f)); and

18 **WHEREAS,** it is critical that employees of the Nation, districts, and enterprises of the Nation
19 or districts are provided working environments where disclosures of
20 information intended to shield the Nation, districts, or enterprises from fraud,
21 theft, or other detrimental effects may be made without retaliation or fear of
22 retaliation; and

23 **WHEREAS,** the Legislative Council passed Resolution No. 23-225, which became effective
24 June 26, 2023, and enacted 13 Tohono O'odham Code Chapter 3 - Whistleblower
25 Protection ("Whistleblower Protection law"), which provides procedures and
26 protections for employees of the Nation, districts, and enterprises of the Nation
27 or districts who submit statements disclosing evidence of misconduct;
28 establishes timeframes for investigating statements of misconduct; creates the
29 Office of Administrative Appeals as the Nation's administrative hearing body; and
30 provides remedies for claims of retaliation; and

31 **WHEREAS,** by Resolution No. 23-225, the Whistleblower Protection law currently has a
32 delayed effective date of October 20, 2023; and

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(Modifying the Effective Date of 13 Tohono O'odham Code Chapter 3 - Whistleblower Protection, Sections 3101, 3104, 3105, and 3107)

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1 **WHEREAS, since the enactment of the Whistleblower Protection law, multiple**
2 **whistleblowers have disclosed allegations of misconduct; and**

3 **WHEREAS, in order to ensure that employees of the Nation, districts, and enterprises of the**
4 **Nation or districts can disclose evidence of misconduct without facing retaliation**
5 **or fear of retaliation, the Human Resources Development Committee**
6 **recommends that the retaliation protections provided under the Whistleblower**
7 **Protection law go into effect immediately.**

8 **NOW, THEREFORE, BE IT RESOLVED that Tohono O'odham Legislative Council modifies the**
9 **effective date of 13 Tohono O'odham Code Chapter 3 - Whistleblower Protection,**
10 **Sections 3101, 3104, 3105, and 3107 only to the effective date of this Resolution;**
11 **provided that the remainder of 13 Tohono O'odham Code Chapter 3 shall be**
12 **effective October 20, 2023.**

13 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11TH**
14 **day of SEPTEMBER 2023 at a meeting at which a quorum was present with a vote of 3,005.7 FOR;**
15 **-0- AGAINST; -0- NOT VOTING; and 257.6 [04] ABSENT, pursuant to the powers vested in the**
16 **Council by, Article I, Section 2, Article VI, Section 1(c)(1), Section 1(c)(2), Section 1(d)(2), Section**
17 **1(e), and Section 1(l); Article IX, Section 7 of the Constitution of the Tohono O'odham Nation,**
18 **adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy**
19 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the**
20 **Act of June 18, 1934 (48 Stat.984).**

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22 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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26 **Wavalene M. Saunders, Legislative Chairwoman**

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28 13 day of September, 2023

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31 **ATTEST:**

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34 **Evonne Wilson, Legislative Secretary**

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36 13 day of September, 2023

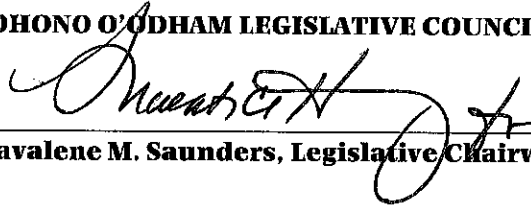
37
38 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
39 **O'odham Nation on the 15TH day of SEPTEMBER, 2023 at 9:45 o'clock, A .m.,**
40 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
41 **effective upon his approval or upon his failure to either approve or disapprove it within 48**
42 **hours of submittal.**
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TOHONO O'ODHAM LEGISLATIVE COUNCIL



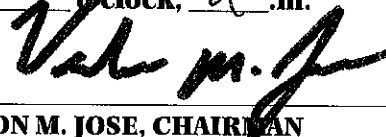
Wavalene M. Saunders, Legislative Chairwoman

APPROVED

on the 15th day of September, 2023

DISAPPROVED

at 11:01 o'clock, a.m.



**VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 15 day of

September, 2023, at 12:10 o'clock, p.m.



Evonne Wilson, Legislative Secretary

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ACTION: MODIFYING THE EFFECTIVE DATE OF 13 TOHONO O'ODHAM CODE CHAPTER 3 - WHISTLEBLOWER PROTECTION, SECTIONS 3101, 3104, 3105, AND 3107**MOVED: COUNCILWOMAN JANICE FELIX****SECOND: VICE CHAIRWOMAN MARLAKAY HENRY****DATE: SEPTEMBER 11, 2023**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 394.2	1. LEANDER MASE (<i>Absent</i>) (Francine Schooling) (<i>Present</i>) 2. JESSE NAVARRO (Alberta J. Ray)	197.1 197.1	X X			X
CHUKUT KUK 354.7	1. VIVIAN JUAN-SAUNDERS (Cornelius Antone) 2. MARLAKAY HENRY ()	177.35 177.35	X X			
GU ACHI 282.7	1. VICTORIA HOBBS (Tonya L. Joaquin) 2. TIMOTHY L. JOAQUIN (Jerome L. Joaquin)	141.35 141.35	X X			
GU VO 276.0	1. DALLAS LEWIS () 2. LESLIE LUNA (Grace Manuel)	138.0 138.0	X X			
HICKIWAN 220.5	1. DELMA M. GARCIA () 2. LOUIS R. LOPEZ (Loretta A. Ortega)	110.25 110.25	X X			
PISINEMO 236.2	1. EDWARD D. MANUAL (Monica Morgan) 2. PAMELA J. BENAVIDEZ (Nora J. Ruelas)	118.1 118.1	X X			
SAN LUCY 257.6	1. ROGER MANUEL (<i>Absent</i>) (Christina Andrews) (<i>Present</i>) 2. GLORIA M. RAMIREZ (<i>Absent</i>) (Lorraine M. Eiler) (<i>Present</i>)	128.8 128.8				X X
SAN XAVIER 244.5	1. JANICE FELIX () 2. DANIEL L.A. PRESTON III ()	122.25 122.25	X X			X
SCHUK TOAK 191.8	1. DELISA M. RAMON (Sharon A. Francisco) 2. THEORIA CAMPILLO (Rebecca Ann Valentine)	95.9 95.9	X X			
SELLS 558.0	1. EVELYN JUAN-MANUEL (Arvada Liston) 2. JANET B. ELEANDO ()	279.0 279.0	X X			
SIF OIDA 247.1	1. LUCINDA ALLEN (Francis Homewytewa) 2. WAVALENE M. SAUNDERS (Mary Lopez)	123.55 123.55	X X			
	TOTAL	3,263.30	3,005.7	-0-	-0-	257.6 [04]