

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Appointing an Independent Third Party to Investigate the**  
**Delma Garcia Matter)**

**LEGISLATIVE ORDER NO. 99-336**

1   **WHEREAS,** on June 10, 1999, the Legislative Council heard from Delma Garcia, former  
2                   Director of the Tribal Employment Rights Office (TERO) who was  
3                   terminated from her position; and

4   **WHEREAS,** the grievance process as outlined in the April 19, 1999 Tohono O'odham  
5                   Nation's Policies enacted by Executive Order, Section on "Employee  
6                   Formal Grievance and Appeal Procedures," would be an unfair process for  
7                   Delma Garcia since the Executive Office already biased itself in a June 1,  
8                   1999 meeting when the TERO Commission voted to remove Delma Garcia  
9                   from her position. In attendance at this same meeting were Nation's Vice  
10                  Chairman Henry Ramon and Department of Public Safety Director Richard  
11                  Clifton on behalf of the Executive Branch. Also in attendance, without the  
12                  express knowledge of the Legislative Branch, was Councilman David  
13                  Garcia; and

14   **WHEREAS,** according to the Executive Grievance process Delma Garcia would grieve  
15                  to her supervisor who is Department of Public Safety Director Richard  
16                  Clifton. If still unresolved, she would grieve to a department head who  
17                  renders a written decision. If still unresolved, a grievance committee shall  
18                  be appointed who can only recommend to the Chairman of the Nation who  
19                  makes the final decision; and

20   **WHEREAS,** Delma Garcia in a June 07, 1999 letter to Chairman Dennis Ramon  
21                  requested time on the June 7 - 11, 1999 Legislative Council General Session  
22                  agenda, and also requested the following items:

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1. To be reinstated to my job as Director of the Tribal Employment Rights Office (TERO) immediately.
2. Richard Clifton, Director of Public Safety be removed from his current position and not be allowed to be employed in any current or future position within the Tohono O’odham Nation for violating the Nation’s Policies and Procedures, “Cause for Disciplinary Action”, Pages IX 59-IX 60, and IX 61.1 (n) “Discourteous Treatment of the public or other employees, including harassing, coercing, threatening, or intimidating others.” And, (s) “Discriminating or Harassment” as defined in Section VIII, Equal Employment. And (bb) “Indulging in offensive conduct or using offensive language towards the public or towards Tohono O’odham Nation officers or employees.”
3. The TERO Commission be held accountable for violating my individual rights as a member of the Tohono O’odham Nation under Article III-Rights of Members, Constitution of the Tohono O’odham Nation.
4. The Legislative Council appoint a third party to thoroughly review the hiring, termination and grievance section of the Policies and Procedures of the Nation and make appropriate changes to accommodate equal protection for all Nation’s employees; and

WHEREAS, the Legislative Council upon hearing from Delma Garcia, approved a motion to appoint an Independent third party to investigate the Delma Garcia matter and that the Legislative Judiciary Committee follow up on this matter.

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1 **NOW, THEREFORE, BE IT ORDERED** by the Legislative Council that it hereby  
2 **appoints an Independent third party to investigate the Delma Garcia**  
3 **matter as presented to the Legislative Council on June 10, 1999.**

4 **BE IT FURTHER ORDERED** that the Judiciary Committee will follow up on this matter.


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6 **The foregoing Order was passed by the Tohono O'odham Legislative Council on the**  
7 **10TH** day of **JUNE, 1999** at a meeting at which a quorum was present with a vote of  
8 **1,499.7 FOR; 665.8 AGAINST; -0- NOT VOTING; and [04] ABSENT**, pursuant to the  
9 **powers vested in the Council by Section 1(a) of Article VI of the Constitution of the**  
10 **Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986;**  
11 **and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on**  
12 **March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

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14 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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18 **Dennis Ramon, Legislative Chairman**

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21 **ATTEST:**

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25 **Julianna Saraficio, Acting Legislative Secretary**

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ACTION: APPOINTING AN INDEPENDENT THIRD PART TO INVESTIGATE THE DELMA GARCIA MATTER

MOVED: COUNCILMAN KENNETH WILLIAMS

SECOND: COUNCILMAN ALEX RAMON

DATE: JUNE 10, 1999

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 171.8	1. MARY ANN ANTONE (Darlene Andrew)	85.9	X			X
	2. RITA MARTINEZ (Nicholas Jose)	85.9	X			
SELLS 372.7	1. DENNIS E. JOSE ( )	186.35	X			X
	2. EVELYN JUAN ( )	186.35	X			
SCHUK TOAK 133.4	1. MARY FLORES** ( )	66.7		X		
	2. AMBROSE ENCINAS ( )	66.7		X		
SAN XAVIER 165.9	1. TONY BURRELL ( )	82.95		X		
	2. DENNIS RAMON ( )	82.95		X		
BABOQUIVARI 286.5	1. FRANCES MIGUEL** ( )	143.25	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	143.25	X			
GU ACHI 209.6	1. CAMILLUS LOPEZ** (Louis Johnson)	104.8	X			
	2. ALEX J. RAMON ( )	104.8	X			
PISINEMO 156.8	1. BARBARA SALVICIO (Alex Antone)	78.4		X		
	2. JOHNSON JOSE ( )	78.4	X			
SAN LUCY 128.1	1. ALBERT MANUEL, JR. ( )	64.05		X		
	2. GLORIA RAMIREZ ( )	64.05		X		
GU VO 160.0	1. FERN SALCIDO ( )	80.0		X		
	2. GLORIA MONTANA (Phillip Antone)	80.0		X		
HICKIWAN 158.1	1. ALEX JOSE (Shirley Santos)	79.05	X			
	2. LLOYD FRANCISCO (Susan Sam)	79.05	X			X
CHUKUT KUK 222.6	1. KENNETH WILLIAMS ( )	111.3	X			
	2. DAVID GARCIA (Mary Audrey Juan)	111.3	X			X
<b>TOTAL</b>		<b>2,165.5</b>	<b>1,499.7</b>	<b>665.8</b>	<b>-0-</b>	<b>[04]</b>

\*\*PASSED VOTES