

LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending Legislative Order No. 99-336, "Appointing an Independent
Third Party to Investigate the Delma Garcia Matter")

LEGISLATIVE ORDER NO. 99-394

1 **WHEREAS, Legislative Order No. 99-336 directed the Legislative Judiciary Committee to**
2 **follow up on matters related to Delma Garcia, former Director of the Tribal**
3 **Employment Rights Office (TERO), including directing the appointment of an**
4 **independent third party to investigate the matters; and**

5 **WHEREAS, the Legislative Judiciary Committee has met and conferred regarding this**
6 **matter and has formulated an action plan to implement Legislative Order No.**
7 **99-336; and**

8 **WHEREAS, the Legislative Judiciary Committee proposes the following plan:**

- 9 **1. The Judiciary Committee shall manage an investigation and make**
10 **recommendation to the full Council proposed action in the following**
11 **matters: (a) the matter of Delma Garcia; (b) the interrelationships between**
12 **and among the Legislative Council, TERO Commissioners, TERO Ordinance**
13 **01-85, the 1996 Executive Branch Administrative Plan; and the DPS Director;**
14 **(c) the Personnel Policies Manual as stated in Executive Order 99-01; (d) the**
15 **power of both the Judiciary Committee and the Legislative Council to**
16 **compel the presence of witnesses and production of documents; (e) the**
17 **involvement of Council member David Garcia with the TERO Commission.**
- 18 **2. The Judiciary Committee believes that the five areas of inquiry stated in (1)**
19 **above should adequately address the mandate from the Council as**
20 **contained in Legislative Order No. 99-336. If the Judiciary Committee**
21 **concludes, as a result of its investigation, that further areas of inquiry**
22 **should be entered, the Judiciary Committee will bring this information**
23 **before the full Council for consideration.**
- 24 **3. The Judiciary Committee shall use the services of the Legislative Council's**
25 **contracted outside counsel, KORN WATERMAN & SIMON, P.C., in order to**
26 **assist the Judiciary Committee in conducting investigations and making**
27 **recommendations to the full Council for proposed action.**

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4. The Judiciary Committee shall report to the full Council no later than the November 1999 General Session of the Legislative Council.

NOW, THEREFORE, BE IT ORDERED by the Legislative Council that it hereby approves the above stated proposal of the Judiciary Committee for action in implementing Legislative Order No. 99-336.

The foregoing Order was passed by the Tohono O'odham Legislative Council on the 15TH day of JULY, 1999 at a meeting at which a quorum was present with a vote of 1,445.2 FOR; 337.7 AGAINST; 160.0 NOT VOTING; and 222.6 [06] ABSENT, pursuant to the powers vested in the Council by Section 1(a) of Article VI 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


Dennis Ramon, Legislative Chairman

ATTEST:


Julianna Saraficio, Acting Legislative Secretary

ACTION: AMENDING LEGISLATIVE ORDER NO. 99-336, "APPOINTING AN INDEPENDENT THIRD PARTY TO INVESTIGATE THE DELMA GARCIA MATTER"

MOVED: COUNCILWOMAN EVELYN JUAN

SECOND: COUNCILWOMAN FRANCES ANTONE

DATE: JULY 15, 1999

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 171.8	1. MARY ANN ANTONE (Darlene Andrew)	85.9		X		
	2. RITA MARTINEZ** (Nicholas Jose)	85.9		X		
SELLS 372.7	1. DENNIS E. JOSE ()	186.35	X			
	2. EVELYN JUAN ()	186.35	X			
SCHUK TOAK 133.4	1. MARY FLORES ()	66.7	X			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			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			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	X
HICKIWAN 158.1	1. ALEX JOSE (Shirley Santos)	79.05	X			
	2. LLOYD FRANCISCO (Susan Sam)	79.05	X			
CHUKUT KUK 222.6	1. KENNETH WILLIAMS ()	111.3				X
	2. DAVID GARCIA (Mary Audrey Juan)	111.3				X
TOTAL		2,165.5	1,445.2	337.7	160.0	222.6 [06]

**PASSED VOTES