

PLAN OF OPERATION FOR THE JUDICIARY COMMITTEE

I. ESTABLISHMENT

The Judiciary Committee (the “Committee”) of the Tohono O’odham Legislative Council (“Legislative Council”) was established as a standing committee of the Legislative Council pursuant to Section 1(A)(2) of Article XI of the Rules of the Legislative Council adopted by Resolution No. 172-87 (“Legislative Rules”).

II. PURPOSE

The purpose of this Plan of Operation is to define the scope of the Committee’s general powers and its oversight authority with respect to the Legislative, Judicial and Executive Branches of the Tohono O’odham Nation (the “Nation”), entities and enterprises of the Nation.

III. POWERS

- A. Scope and Extent. The Committee shall review matters within the Committee’s general powers and its oversight authority prescribed in this Article III and shall make recommendations to the Legislative Council on any matters requiring action by the Legislative Council.
- B. General Powers. The Committee shall exercise the following general powers in matters within its oversight authority:
 - 1. Exercise any specific authority delegated to the Committee by the Legislative Council.
 - 2. Adopt internal policies, subject to review of the Rules Committee of the Legislative Council.
 - 3. Subject to approval by the Legislative Council, to consult and negotiate agreements and contracts with tribal, federal, state and local governments, their departments, agencies, or political subdivisions, and with private persons or organizations on all matters within the Committee’s authority.
 - 4. Advise and make recommendations to the Legislative Council regarding federal activities that effect the Nation and the appointment or removal of federal employees assigned to duties with the Nation.
 - 5. Review and make recommendations on proposed laws, ordinances, or resolutions necessary or incidental to the exercise of legislative powers.
 - 6. Review, advise and make recommendations on vetoed legislation.

7. Recommend legislation to be put on a referendum.
8. Review, advise and make recommendations on initiatives submitted by members of the Nation.
9. Conduct investigations as needed to exercise its general powers and oversight authority.

C. General Oversight Authority. The Committee shall have the following general oversight authority:

1. Judicial Branch. Review and recommend to the Legislative Council all measures, matters, and actions affecting:
 - (a) The Tohono O’odham Nation Judicial Branch.
 - (b) Court reform, including, but not limited to the establishment of inferior courts of the Tohono O’odham Nation.
 - (c) The appointment of judges and judges pro tempore.
 - (d) The general administration and policies of the Tohono O’odham Judiciary, including, but not limited to the affect such administration and policies have upon the rights and liberties of the membership of the Tohono O’odham Nation.
2. Other Matters.
 - (a) Any other activity of the Nation, its enterprises or entities which relates to the Tohono O’odham Judicial Court.
 - (b) Any activity of a tribal, federal, state or local government, or private entity or individual which relates to the administration of justice.
 - (c) Any grant of authority to the Committee by Legislative Rule, Resolution of the Legislative Council or the laws of the Nation.

D. Specific Oversight Authority.

1. The Committee shall have specific oversight authority to review and recommend action by the Legislative Council on appointments of Tohono O’odham Judicial Court judges pursuant to Section 4 of Article VIII of the Nation’s Constitution.
2. To initiate proceedings for automatic removal and to conduct reasonable cause hearings for removal upon accusation of any representative of the Tohono

O'odham Legislative Council, elected official, or judge of the Tohono O'odham Nation from office in accordance with Article XIII of the Constitution of the Tohono O'odham Nation and Article IX of the Uniform Election Ordinance.

IV. MEMBERSHIP

- A. Number. The Committee shall consist of five members of the Legislative Council. The Chairman and Vice Chairman of the Legislative Council shall be ex officio, non-voting members of the Committee.
- B. Selection. The members of the Committee shall be selected in accordance with Section 3 of Article XII of the Legislative Rules.
- C. Term of Office. Each Committee member shall serve for a term of two years or until such member's successor is certified pursuant to Section 3(L) of Article XII of the Legislative Rules.
- D. Officers. The officers of the Committee shall be a Chairperson and Vice Chairperson who shall be selected from the Committee membership pursuant to the procedures set forth in Section 3(J) of Article XII of the Legislative Rules. The Committee may designate one (1) of the remaining members to act as Secretary.
- E. Removal.
 - 1. The Committee may, by majority vote, recommend to the Legislative Council that any Committee member be removed from the Committee for lack of participation, non-attendance at Committee meetings, or other good cause.
 - 2. In accordance with Article VI, Section C of this Plan, the Committee member whose removal is under consideration shall not vote on the removal recommendation or be counted for the purpose of establishing a quorum, but may make a statement regarding the removal recommendation before the vote is taken.
 - 3. If the Committee chairperson's removal is under consideration, the Committee may, by majority vote, make its removal recommendation to the Legislative Council without the Committee chairperson's initial removal recommendation as described in the Legislative Rules, Article XII, Section 3(M).
 - 4. If the Legislative Council takes action upon and accepts the Committee's removal recommendation pursuant to the Legislative Rules, Article XII, Section 3(M)(3), the Committee member shall be removed and shall no

longer be a member of the Committee.

V. SUBCOMMITTEES

- A. Establishment. The Committee may establish one or more subcommittees for the purposes described in Section 1(C) of Article XI of the Legislative Rules.
- B. Membership. There shall be no less than three members of a subcommittee who shall be selected from the membership of the Committee.

VI. VOTING

- A. Quorum. At any meeting, a quorum shall consist of not less than three (3) Committee members. No action shall be taken without a quorum present. One (1) ex officio, non-voting member of the Committee present at the meeting shall be deemed a member of the Committee for the purpose of establishing a quorum only.
- B. Vote. The vote of a majority of the members comprising a quorum shall constitute the action of the Committee.
- C. Conflict of Interest. No member of the Committee shall participate in the discussion or vote on any matter before the Committee in which the member or the member's immediate family has a personal or financial interest. The term "immediate family" means a household member, spouse, cohabitant, child, grandchild, parent, grandparent, brother or sister of whole or half blood and their spouses and the parent, brother, sister or child of a spouse or cohabitant. A member of the Committee shall immediately disclose to the other Committee members any conflict of interest as soon as the member becomes aware that a conflict exists. A Committee member who has a conflict of interest on a matter pending before the Committee shall not be counted for the purpose of determining whether a quorum exists on such matter.

VII. MEETINGS

- A. Regular Meetings. Regular meetings of the Committee shall be held on the day designated by the Legislative Council. Regular meetings shall be held at the time designated by the Legislative Council or if no time is specified, at the time determined by the Committee.
- B. Special Meetings. Special meetings of the Committee shall be at the time and date designated by the Chairperson of the Committee, by the Vice Chairperson of the Committee in the absence of the Chairperson, or by two members of the Committee. All Committee Members shall receive notice of any special meeting.
- C. Place.

1. All meetings of the Committee shall be held in Sells, Arizona unless a different location is set by the Committee during a meeting at which a quorum is present, and except as provided in this subsection C.
2. If the Committee determines there is good cause in accordance with this subsection C., it may by consensus or majority vote:
 - (a) permit a member or other individual who provides advance notice, to the extent possible, to attend a committee meeting by phone, a meeting application, or other technology;
 - (b) hold a meeting by phone, a meeting application, or other technology; provided that the committee chairperson or vice chairperson shall provide advance written notice to the Council officers.
3. For purposes of this subsection VII.C., examples of good cause include: when necessary to achieve a quorum or maximize participation; to address transportation or health issues, or weather conditions; for efficiency; or in response to emergency conditions.

VIII. AMENDMENTS

This Plan of Operation may be amended by Legislative Order of the Legislative Council upon the Committee's recommendation after review by the Legislative Rules Committee.