

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Appointing Bernadette E. Blackwater as Interim TERO Commissioner)**

RESOLUTION NO. 13-095

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the authority to enact**
2 **ordinances "to promote, protect and provide for public health, peace, morals,**
3 **education and general welfare of the Tohono O'odham Nation and its members" and**
4 **the power "to provide for, appoint, or provide for the appointment of, and prescribe**
5 **the duties and powers of committees, boards, officers and agents" (Constitution,**
6 **Article VI, Section 1(c)(2) and 1(b)); and**

7 **WHEREAS, in 1985 the Papago Council enacted the Papago Employment Rights Ordinance ("TERO**
8 **Ordinance"), thereby establishing the Papago Employment Rights Commission (a.k.a.,**
9 **"TERO Commission") and vesting the Council with the power to select and appoint**
10 **TERO commissioners (13 Tohono O'odham Code Chapter 1 Employment Rights,**
11 **Ordinance No. 01-85, subsection 6(B)(2)); and**

12 **WHEREAS, on September 27, 2012, the Legislative Council suspended the Nation's TERO**
13 **commissioners pending further action by the Council for a period not to exceed six**
14 **months (Resolution No. 12-384); and**

15 **WHEREAS, the Legislative Council subsequently extended the TERO commissioners' suspension**
16 **until September 27, 2013 (Resolution No. 13-040); and**

17 **WHEREAS, it is in the Nation's best interest to appoint interim commissioners to the TERO**
18 **Commission so that the Commission may conduct business, ensure that Indian**
19 **preference is enforced, and provide necessary services for the Nation's members; and**

20 **WHEREAS, the Domestic Affairs Committee recommends appointing interim TERO Commissioner**
21 **Bernadette E. Blackwater for a term expiring September 27, 2013, except as otherwise**
22 **provided by subsequent action of the Legislative Council.**

23 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby appoints**
24 **Bernadette E. Blackwater as an interim TERO Commissioner for a term expiring**
25 **September 27, 2013, except as otherwise provided by subsequent action of the**
26 **Legislative Council.**

27 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that interim TERO**
28 **Commissioner Bernadette E. Blackwater is authorized to exercise the duties of a TERO**

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1 commissioner pursuant to the TERO Ordinance, provided that the Nation's
2 chairperson or the chairperson's designee shall retain the authorities delegated by
3 Resolution No. 13-040 as modified in the manner described below:

4 (1) Manage and expend funds under the Commission's FY 2013 budgets, provided that
5 subject to review and approval by the Nation's chairperson or chairperson's
6 designee, the Interim Commission may request expenditures of funds in order to
7 perform its functions;

8 (2) Exercise the Commission's signature authority, except that the Interim
9 Commission shall exercise independent signature authority for Commission
10 correspondence, issuing written hearing decisions, adopting rules and
11 regulations, and other matters that do not directly authorize the expenditure of
12 funds; and

13 (3) Secure and/or take control of all TERO Commission property and assets, including
14 but not limited to all bank accounts, credit cards and accounts, real and personal
15 property, financial and other records and documents; provided that the Interim
16 Commission shall have access to property and records necessary to perform its
17 functions if such access does not impede any criminal investigation and may
18 expend funds in accordance with the additional provisions of this resolution.
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20 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 15TH Day
21 of MARCH, 2013 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0-
22 AGAINST; -0- NOT VOTING; and -0- ABSENT, pursuant to the powers vested in the Council by Article
23 VI, Section 1 (b) 1(c)(2) 1(d) and 1 (1) of the Constitution of the Tohono O'odham Nation, adopted by
24 the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
25 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
26 18, 1934 (48 Stat. 984).
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30 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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33 Timothy Joaquin, Legislative Chairman

34 19 day of March, 2013
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ATTEST:

Evonne Wilson

Evonne Wilson, Legislative Secretary

18 day of March, 2013.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 19 day of March, 2013 at 11:26 o'clock, A.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 20 day of March, 2013

DISAPPROVED

at 9:15 o'clock, A.M.

Ned Norris, Jr.

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

Returned to the Legislative Secretary on the 20 day of

March, 2013, at 10:12 o'clock, A.M.

Evonne Wilson

Evonne Wilson, Legislative Secretary

ACTION: APPOINTING BERNADETTE E. BLACKWATER AS INTERIM TERO COMMISSIONER

MOVED: COUNCILWOMAN CYNTHIA E. MANUEL

SECOND: COUNCILWOMAN SANDRA ORTEGA

DATE: MARCH 15, 2013

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			
	2. FRANCES G. ANTONE <i>(Absent)</i> (Vernon Smith) <i>(Absent)</i>	171.0	X			
CHUKUT KUK 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X			
	2. BILLMAN LOPEZ ()	151.10	X			
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN ()	122.45	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45	X			
GU VO 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X			
	2. PAMELA ANGHILL ()	113.35	X			
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ()	93.15	X			
PISINEMO 200.7	1. CHESTER ANTONE (Tony Murrietta)	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
SAN LUCY 204.6	1. LORRAINE EILER (Diana Manuel)	102.30	X			
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
SAN XAVIER 215.8	1. HILARION CAMPUS (Racheal Vilson-Stoner)	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X			
SCHUK TOAK 169.8	1. FRANCES B. STEPHENS (Anthony J. Rios)	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
SELLS 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85	X			
	2. MARIA ACKERMAN ()	237.85	X			
SIF OIDAK 211.9	1. NICHOLAS JOSE ()	105.95	X			
	2. MARY LOPEZ ()	105.95	X			
TOTAL		2,780.60	2,780.60	-0-	-0-	-0-