

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Suspending Timeframes in the Appointed Officers Law Due to the COVID-19 Pandemic)

RESOLUTION NO. 20-121

1 **WHEREAS, Article VII, Section 2(e) of the Constitution of the Tohono O'odham Nation vests**
2 **the Nation's chairman with authority to appoint the Nation's treasurer, and other**
3 **officers and heads of all governmental departments with the approval of the**
4 **Tohono O'odham Legislative Council; and**

5 **WHEREAS, pursuant to Section 4003 (F) of I Tohono O'odham Code Chapter 4 (the "Appointed**
6 **Officers law"), an appointee may not serve as an appointed officer for "more than**
7 **120 consecutive or nonconsecutive days without approval of the appointment by**
8 **resolution, provided that the 120-day period shall not include the committee and**
9 **Council review periods provided in subsection (C) and (D)"; and**

10 **WHEREAS, on June 14, 2019, subject to the approval of the Legislative Council, Chairman**
11 **Norris appointed executive directors for the following departments: Human**
12 **Resources, Natural Resources, Water Resources, Planning and Economic**
13 **Development, Education, Membership Services, Health and Human Services,**
14 **Public Safety, Treasury, Tohono O'odham Gaming Office, and the Chief**
15 **Administrative Officer; and**

16 **WHEREAS, pursuant to 1 T.O.C. Ch. 4 Section 4003(F), "[t]he chairperson and Council may**
17 **agree to extend the 120-day period by resolution"; and**

18 **WHEREAS, by Resolution No. 19-443, the Legislative Council and Chairperson agreed to a 90-**
19 **day extension of the 120-day period; and**

20 **WHEREAS, the process for review and approval of the appointees by the Legislative Council**
21 **was interrupted by the COVID-19 pandemic, which required the closure of**
22 **Legislative Branch offices and the suspension of in-person meetings as of March**
23 **19, 2020 (the "COVID-19 closure"); and**

24 **WHEREAS, within the Appointed Officers law, there are several timeframes including one for**
25 **the Nation's chairperson to present the appointee's application materials and**
26 **background investigation report to the oversight committee, another timeframe**
27 **for the committee to review the materials and interview the appointee, and a**
28 **subsequent time period for the Legislative Council to interview the appointee;**
29 **and**

30 **WHEREAS, the Rules Committee has reviewed and recommends that the Legislative Council**
31 **suspend the operation of any timeframes in the Appointed Officers law until 30**
32 **days after Legislative Branch offices are reopened to the public.**

33 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
34 **suspension of all time periods prescribed in the Appointed Officers law for**
35 **appointed officer appointees until 30 days after the first business day during**

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which Legislative Branch offices are reopened to the public after the COVID-19 closure.

BE IT FINALLY RESOLVED that in the event of any conflict between the provisions of the Appointed Officers law and this Resolution, the provisions of this Resolution shall control.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 28TH day of APRIL, 2020 at a meeting at which a quorum was present with a vote of 1,611.2 FOR; 1,564.5 AGAINST; [01] NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1 and Article II Section 2(e) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; 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

Timothy C. Joaquin for
Timothy Joaquin, Legislative Chairman
1 day of May, 2020

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary
1 day of May, 2020

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 1 day of May, 2020 at 3:49 o'clock, P.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 C. Joaquin for
Timothy Joaquin, Legislative Chairman

APPROVED

on the 05 day of May, 2020

DISAPPROVED

at 10:38 o'clock, A.m.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

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1 Returned to the Legislative Secretary on the 5 day of
2
3 May, 2020, at 12:50 o'clock, p.m.
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7 **Evonne Wilson, Legislative Secretary**
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ACTION: SUSPENDING TIMEFRAMES IN THE APPOINTED OFFICERS LAW DUE TO THE COVID-19 PANDEMIC

MOVED: COUNCILWOMAN MARY LOPEZ

SECOND: COUNCILWOMAN MONICA K. MORGAN

DATE: APRIL 28, 2020

| DISTRICT | LEGISLATIVE REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|----------------------|---|------------|---------|---------|------------|--------|
| BABOQUIVARI 384.8 | 1. LEANDER MASE (Francine Schooling) | 192.40 | | X | | |
| | 2. ALBERTA J. RAY (Frances G. Antone) | 192.40 | | X | | |
| CHUKUT KUK 347.5 | 1. VIVIAN JUAN-SAUNDERS (Juanita Homer) | 173.75 | | X | | |
| | 2. MARLAKAY HENRY (Billman Lopez) | 173.75 | | X | | |
| GUACHI 279.3 | 1. VICTORIA HOBBS () | 139.65 | X | | | |
| | 2. TIMOTHY L. JOAQUIN (Louis L. Johnson) | 139.65 | X | | X | |
| GU VO 264.5 | 1. DALLAS LEWIS (Nacho Flores) | 132.25 | | X | | X |
| | 2. GRACE MANUEL () | 132.25 | | X | | |
| HICKIWAN 213.8 | 1. SANDRA D. ORTEGA () | 106.90 | X | | | |
| | 2. LOUIS R. LOPEZ (Delma M. Garcia) | 106.90 | X | | | |
| PISINEMO 230.7 | 1. MONICA K. MORGAN () | 115.35 | X | | | |
| | 2. MARIETTA MARTIN () | 115.35 | | X | | |
| SAN LUCY 235.6 | 1. GLORIA RAMIREZ () | 117.80 | | X | | |
| | 2. JANA MONTANA (Lorraine M. Eiler) | 117.80 | | X | | |
| SAN XAVIER 238.9 | 1. JANICE FELIX (Adam Andrews) | 119.45 | X | | | |
| | 2. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner) | 119.45 | X | | | X |
| SCHUK TOAK 189.0 | 1. QUINTIN C. LOPEZ (Agnes V. Joaquin) | 94.50 | | X | | |
| | 2. TERESA F. DONAHUE (Alberta Espinoza) | 94.50 | X | | | |
| SELLS 547.1 | 1. EVELYN JUAN MANUEL () | 273.55 | X | | | |
| | 2. ARTHUR WILSON () | 273.55 | X | | | |
| SIF OIDAK 244.5 | 1. LUCINDA ALLEN (Yolonda Garcia) | 122.25 | | X | | |
| | 2. MARY LOPEZ (Ann M. Garcia) | 122.25 | X | | | |
| TOTAL | | 3,175.7 | 1,611.2 | 1,564.5 | [01] | [02] |