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**TOHONO O'ODHAM LEGISLATIVE
BRANCH**

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PUBLIC NOTICE

TO: Executive Branch Departments and Programs
Judicial Branch
Nation's Districts
Members of the Public

FROM: Timothy L. Joaquin, Chairperson, TOLC
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CC: Alberta Ray, Vice Chairwoman, TOLC, Alberta.Ray@tonation-nsn.gov
Legislative Council Representatives

DATE: January 27, 2022

SUBJECT: January 2022 Amendments to the Legislative Rules, Effective January 28, 2022

The purpose of this notice is to inform the public of recent amendments to the Legislative Rules of the Tohono O'odham Legislative Council ("January 2022 Amendments"). The January 2022 Amendments, adopted by Legislative Order No. 22-015, clarify the prior November 2021 Amendments adopted by Legislative Order No. 21-428.

Specifically, the January 2022 Amendments, which become effective January 28, 2022, amends Legislative Rules, Article III, Section 4(B) to further clarify the provision that, "[U]nless an agenda item is emergency in nature, the Legislative Council shall not accept new items submitted after the deadline established by the Legislative Secretary." The January 2022 Amendments incorporate the following provisions:

Article III, Section 4, Items to be Placed on the Agenda, subsection (B) New Business

- Includes a definition of “emergency in nature” to mean that “the item is urgent or unforeseen and the absence of a timely agenda policy form was not caused by avoidable administrative delay by the person or entity proposing the item.”
- Adds a process for a Council representative who moves to add an agenda item that was not submitted before the agenda policy form deadline to submit to the Secretary, prior to making the motion, a brief, written statement justifying that the item qualifies as emergency in nature.
- After a motion and second, “the Legislative Council may add the item to the agenda by consensus. If any representative objects, a roll call vote shall be taken by the Secretary.”

A clean version of the amended Legislative Rules is provided for your reference.

Thank you for your attention and cooperation.

Attachment

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ARTICLE I – SESSIONS

Section 1 Definitions of Types of Council Sessions.

(A) Legislative Calendar

(1) Prior to an official adjournment, the Tohono O’odham Legislative Council (“Legislative Council”) shall adopt a legislative calendar which shall commence on the first working day of June on which the Legislative Council shall be called into legislative session; provided that, in a general election year, the legislative calendar shall commence on the first Monday in June that is within 20 days after the Election Board has posted its Certificate of Election Results pursuant to Article VIII, Section 1808 of the Nation’s Elections law. The calendar shall specify dates for the general sessions and committee meetings, recess periods, recognized holidays and the dates of adjournment.

(2) The legislative calendar shall not be changed without Legislative Council approval.

(3) The Legislative Council shall include in the legislative calendar all recognized holidays for which compensation will be provided for and observed.

(4) In lieu of earned annual leave, the Legislative Council shall schedule 15 working days within the legislative calendar during which they will be on recess.

(5) The Legislative Council shall adjourn for a period not to exceed four days prior to the start of the next legislative session as specified in Section 1(A)(1) of this Article; provided that in a general election year, the Legislative Council shall adjourn for the period from the date of the election until the first day of the June general session.

(B) General Sessions

(1) The Legislative Council shall be required to meet as a full body in a general session during which time it may take formal action on items pending on the agenda.

(2) A monthly general session of the Tohono O’odham Legislative Council shall be held on dates specified in the legislative calendar adopted by the Legislative Council.

(3) A quorum shall be established at the beginning of each legislative general session. No business shall be transacted by the Legislative Council unless a quorum is present.

(4) Each legislative general, special, or emergency session shall commence at 9:00 a.m. and end no later than 5:00 p.m. or until the agenda item in discussion at 5:00 p.m. is completed, whichever is later. However, the Legislative Council may vote to address additional agenda items provided that such a motion is made before 5:00 p.m.

(5) The Legislative Secretary shall provide a tentative agenda to all legislative representatives five days prior to the general session.

(C) Committee Meetings

(1) A quorum shall be established at the beginning of each legislative committee meeting before business can be conducted.

(2) The Legislative Council shall convene into committee meetings when not in session, on recess, or in adjournment.

(D) Special Sessions

(1) The Legislative Council may, by majority vote, call for a special session.

(2) A quorum shall be established at the beginning of each legislative special session before business can be conducted.

(3) The Legislative Chairperson may call the Legislative Council back into a special session during a scheduled recess period with five working days' written notice to all legislative representatives. For purposes of these Rules, "written" notice shall include notice by e-mail, facsimile, or other forms of electronic communication.

(4) The Chairperson of the Tohono O'odham Nation may call for a special session of the Legislative Council. The Chairperson of the Nation shall serve written notice upon the Legislative Council officers his/her intent to reconvene the Legislative Council into a special session at least five working days before the session. The Chairperson of the Nation's notice shall specify the date, purpose, and place of the special session. The Legislative Council officers shall provide notice to the Legislative Council representatives at least three working days prior to the session.

(5) The Legislative Council Chairperson may only cancel a special session that is requested by a legislative standing committee

(a) if the session is scheduled for a single agenda item, and

(b) upon receiving written notice of cancellation from the committee that requested the session.

(6) The Legislative Council Chairperson may cancel a special session that is called by the Nation's Chairperson upon receiving written notice of cancellation from the Nation's Chairperson 48 hours in advance.

(E) Public Hearings

(1) During the first general session following the 2011 general election, and every four years thereafter, the Legislative Council shall schedule and conduct public hearings to collect input from the membership, to set goals and objectives for the Tohono O’odham Nation, and to report to the membership the status of the previous goals and objectives. Such hearings shall be scheduled at least 60 days in advance and written notice shall be provided to all Legislative Council representatives.

(a) All Legislative Council representatives shall attend such public hearings, and shall be subject to the attendance provisions of Article II of these Legislative Rules.

(b) Five public hearings shall be scheduled to cover the Tohono O’odham Nation. Public hearings shall be held at least five locations selected by the Legislative Council.

(c) The Legislative Secretary shall prepare summarized minutes of all public hearings. The summarized minutes shall provide complete and accurate summaries of all public comments to the extent possible.

(d) Summarized minutes of the public hearings shall be presented to the Legislative Council committees within three months of the last public hearing.

(e) The committees shall provide updates within their quarterly reports on the status of issues raised at public hearings.

(2) The legislative committees may hold additional public hearings to obtain public input regarding their specific responsibilities and areas of jurisdiction.

(F) Closed Sessions

(1) The Legislative Council may proceed into closed session by majority vote.

(2) The closed session shall consist of legislative representatives, persons providing testimony or advice, and others the Legislative Council may feel to be appropriate.

(3) A closed session may be called for the following purposes:

(a) enrollment rejection and revocation hearings or

(b) matters that may affect the integrity, sovereignty, security and resources of the Nation.

(4) During a virtual closed session, Council representatives are required to use their camera function.

(5) Discussions during closed session are confidential and shall not be recorded, transcribed, reported or disclosed to any person other than Legislative Council representatives or a person who was present during the closed session.¹ Documents that are distributed during or for a closed session and that are intended to remain confidential shall be collected prior to the end of the closed session.

(6) No formal legislative action shall be taken during closed session.

(G) Emergency Session

(1) An emergency session of the Legislative Council may be called by the Legislative Chairperson upon a 24-hour written notice to all legislative representatives.

(2) A quorum shall be established at the beginning of each emergency session before business can be conducted.

(H) Virtual Session

The Legislative Chairperson may direct that a Council session be conducted virtually with Council representatives attending by phone or through a designated technological application; provided that the Secretary shall provide written notice to all representatives that the session will be virtual 24 hours in advance.

(I) Council in Executive Session

(1) Any Legislative Council representative may call for an executive session, during which the Legislative Council may confer in private but shall not vote or take any legislative action.

(2) The executive session shall consist of legislative representatives and may also include legislative branch personnel the Legislative Council may require.

Section 2 General Sections.

(A) Notice of Sessions

For purposes of notice to legislative representatives of legislative sessions, the term “notice” or “notifications” shall include notice by personal service, fax, or e-mail. The Legislative Secretary or the Secretary’s designee shall serve all notices of Legislative Council sessions.

¹This sentence was amended on October 26, 2009 by Legislative Order No. 09-574.

(B) Media

(1) Members of the media shall identify themselves to the Tohono O’odham Legislative Secretary prior to or upon entering the chambers during a session and the Secretary shall notify the Council accordingly.

(2) No cameras or recording devices, other than devices used by the Legislative Secretary, shall be permitted in any Legislative Council session unless authorized in advance by majority or consensus of the Legislative Council.

(3) The Nation’s radio station may broadcast any session unless the Legislative Council disallows it. Other media may only broadcast a session if authorized by a majority or consensus of the Legislative Council.

(C) Place

All Legislative Council sessions shall be held at the Tohono O’odham Legislative Council chambers located in Sells, Tohono O’odham Nation, with the following exceptions:

(1) A majority of all the legislative representatives may vote to hold a session in some location other than the chambers located at Sells.

(2) The Legislative Chairperson may designate another location when the chambers is being used to conduct an election, provided that the Chairperson shall give the Legislative Council reasonable notice in writing.

ARTICLE II - ATTENDANCE

Section 1 Required Attendance.

All Legislative Council representatives, including the chairperson and vice chairperson, are required to be present at all the sessions unless otherwise excused. In the event a representative is unable to attend a Legislative Council session, the Legislative Secretary shall give reasonable notice to the representative’s alternate to attend in the representative’s place. When an alternate attends a Legislative Council session in a representative’s absence, the alternate shall remain seated for the duration of that day’s session.

Section 2 Absence.

When used in this Article, “absence” means non-attendance at a Legislative Council session for any reason. An absence may only be excused as provided in Section 3 of this Article.

Section 3 Excused Absences.

(A) A Legislative Council representative's absence from a Legislative Council Session shall be excused if

(1) the representative provides advance written notice to the Legislative Council Secretary of the date(s) and time(s) of the absence, and specific reason therefore; and

(2) the absence is due to a scheduled medical or other essential appointment, jury duty, military service, maternity/paternity leave, approved travel on behalf of the Nation or representative's district, or observance of traditional O'odham practices.

(B) A Legislative Council representative's absence from a Legislative Council Session shall be excused if

(1) the Legislative Council Secretary is notified as soon as possible by telephone or e-mail of the date(s) and time(s) of the absence and specific reason therefore; and

(2) the absence is due to an illness or personal injury to the representative or a family member, death of a family member, or circumstances over which the representative has no personal control (including but not limited to road construction or detour, weather, or transportation problems).

(C) A Legislative Council representative's absence from a Legislative Council emergency session shall be excused if the representative did not receive written notice of the session.

Section 4 Fine Procedure.

(A) Beginning when a quorum is established, an absent and unexcused representative shall be fined \$25.00 and shall be fined an additional \$25.00 at the end of each thirty-minute period thereafter as long as the Council remains in session. The total fine imposed during a single day shall not be greater than the representative's daily rate of pay.

(B) Such fines shall be deducted from the representative's salary during the pay period immediately following the absence.

ARTICLE III - AGENDA

Section 1 Call to Order/Roll Call.

(A) The Chairperson or Vice Chairperson shall call the meeting to order at the time specified by the Legislative Council.

(B) Roll call shall be called by the Legislative Secretary:

(1) If a quorum exists, the Secretary shall so notify the Legislative Chairperson.

(2) If no quorum exists, the Legislative Secretary shall thereafter attempt to establish a quorum of the Legislative Council by calling the roll every 15 minutes.

(3) During a virtual Council session, unless there are connectivity or technological issues, Council representatives are required to use their camera function during roll call. The Legislative Secretary shall call a representative's name twice at most. If the Council representative does not answer after being called the second time, the Council representative shall be marked absent. No written responses from Council representatives shall be accepted.

(C) If the Legislative Chairperson and Vice Chairperson are both absent for 15 minutes after a session is scheduled to begin, each unexcused officer shall be fined \$50. The session shall then be recessed for one hour, at which time the Council shall reconvene. If neither the Legislative Chairperson nor Vice Chairperson is present when the Council reconvenes, the session shall recess for the day and shall continue the following business day. If the Council is unable to convene for the day due to the Chairperson and Vice Chairperson's absence, an officer that is unexcused shall be fined one day's pay.

(D) If the Legislative Chairperson and Vice Chairperson lose connectivity during a virtual Council session, the Council shall take a 15-minute break for the Legislative Secretary to contact the Legislative Chairperson and Vice Chairperson. If, after 15 minutes, the Legislative Chairperson or Vice Chairperson is not present in the virtual session, the Council shall recess for an hour and then reconvene. If, after the recess, the Council Chairperson or Vice Chairperson is not present when Council reconvenes, the session shall be recessed for the day to resume the following business day at 9:00 a.m.

Section 2 Invocation.

The Legislative Chairperson may call upon a volunteer to provide the invocation once a quorum has been established. Participation shall be voluntary.

Section 3 Announcements.

The Legislative Council Chairperson may recognize Legislative Council representatives or designated officials to announce information concerning community events, funeral services, upcoming meetings, or other information for the Nation's members, including introductions to new officials, visiting groups or delegations. All announcements shall be brief, not exceed half an hour, and may be limited at the discretion of the Legislative Council chairperson.

Section 4 Items To Be Placed On The Agenda.

(A) Old Business

The Legislative Secretary shall place on the tentative agenda all unresolved issues, pending items, or mandates as declared by Legislative Council, and shall notify all appropriate staff or individuals.

(B) New Business

- (1) The Legislative Secretary shall establish a deadline for submission of items to be placed on the agenda and shall present a tentative agenda covering all items received on or before said deadline before the Legislative Council on the first day of each general session.
- (2) Unless an agenda item is emergency in nature, the Legislative Council shall not accept new items submitted after the deadline established by the Legislative Secretary. For purposes of this paragraph, “emergency in nature” means the item is urgent or unforeseen and the absence of a timely agenda policy form was not caused by avoidable administrative delay by the person or entity proposing the item. If a Legislative Council representative moves to add a general session agenda item that was not submitted before the deadline established by the Legislative Secretary, the representative shall, prior to making the motion, submit to the Legislative Secretary a brief, written statement justifying that the item qualifies as emergency in nature under this paragraph. After the motion is seconded, the Legislative Council may add the item to the agenda by consensus. If any representative objects, a roll call vote shall be taken by the Secretary.

(C) Review and Approval by Legislative Council

- (1) The Legislative Council shall review the tentative agenda and determine appropriate action as follows:
 - (a) Approve or amend and adopt the agenda.
 - (b) Refer item or issue to appropriate committees, program, or administration for further review or study, which upon completion, is to be brought back for action.
 - (c) Refer item or issue to a special session to be held at a future date.
- (2) If no motion is offered by any legislative representative to the Legislative Secretary’s tentative agenda it shall be considered approved. There shall be no debate during the review of the tentative agenda.

Section 5 Required Documents.

All items received by the Legislative Secretary which require legislative action by the Legislative Council shall contain the following, if appropriate or applicable:

- (A) Proposed resolution of action to be considered.
- (B) Written summary of item or issue which shall include an impact statement regarding the effect on the Nation and whether the proposed resolution amends, implements or superseded previous legislative action by the Legislative Council.
- (C) Supporting documents.
- (D) Cite constitutional powers and authority of the Legislative Council under which the Legislative Council shall act.
- (E) Financial analysis and legal review.
- (F) Identification of the Organization having responsibility thereof.

Section 6 Appointment of the Treasurer and Other Officers and Heads of Governmental Departments

(A) For purposes of this section “the treasurer and other officers or heads of governmental departments” whose appointment is subject to Legislative Council approval shall include

- (1) the Nation’s treasurer,
- (2) the chief administrative officer, and
- (3) the Gaming Office director and other supervisory employees who administer an executive branch department and who are supervised directly by the Nation’s chairperson or vice-chairperson, regardless of the department titles or the job titles for those positions.

“Officers or heads of governmental departments” shall not include executive assistants, the chairperson’s special counsel, or executive branch boards or committees.

(B) The Chairperson of the Nation’s appointee to the position of treasurer or other officers or heads of governmental departments shall not be added to any Legislative Council session agenda for approval unless the appropriate legislative committee interviews the appointee after receiving a resume and written background investigation report and that includes the following:

- (1) complete consumer credit history report;
- (2) felony and misdemeanor criminal conviction history;
- (3) civil litigation history;
- (4) driving record;
- (5) employment history verification;
- (6) education history verification;
- (7) verification of professional licensing/certification, including any disciplinary or other action concerning the appointee’s license or certification;
- (8) verification of membership in professional associations; and

(9) interview of character references.

(C) The Legislative Council shall interview the appointee and shall review the background investigation report in closed session, provided that the report shall not be disclosed or reported by the Council or legislative committee, but shall be returned to the Nation's chairperson.

(D) Nothing in this section shall be interpreted to prevent the appropriate legislative committee from requesting, or the Legislative Council from requiring, additional information necessary to assess the qualifications and suitability of an appointee.

(E) If any person performs the duties of treasurer or of an officer or head of a governmental department for more than 120 days without Council approval in accordance with the Constitution of the Tohono O'odham Nation and this section, the status of that position shall automatically be placed on the next session agenda and the Council chairperson shall request a written update on the position, including a resume and background investigation report for the person performing the duties of the position, from the Nation's chairperson. The Council may request that the Nation's chairperson present the update and information to the Council. Thereafter the Secretary shall add to each monthly general session agenda an update on the appointment until an appointment is approved by Council resolution.

ARTICLE IV - VOTING

Section 1 Number of District Votes.

Pursuant to Section 2 (B) of Article III of the Constitution of the Tohono O'odham Nation, each district shall be entitled to as many votes on the Legislative Council (divided by ten) as there are members residing in the district.

Section 2 Adjustments of Votes.

Adjustments of votes that each district is entitled to cast shall be done in accordance to the provisions of the Nation's Elections law.

Section 3 Types of Voting.

(A) Voting by Consensus

Voting on agendas, procedural matters, and other items not requiring passage of an ordinance, resolution, or other law may be by consensus by a show of hands when there is no objection by any Legislative Council representative. If any representative objects, a roll call vote shall be taken by the Secretary.

(B) Roll Call Voting

- (1) Voting on any ordinance, resolution, law, or written legislative order shall be by roll call vote and each vote shall be recorded by the Secretary.
- (2) During virtual sessions, unless there are connectivity or technological issues, Council representatives are required to use their camera function when voting. The Secretary shall call a representative's name twice at most. After the second time the Secretary calls the representative's name without an oral response or vote, the Secretary shall mark the representative absent. No written votes from Council representatives shall be accepted.
- (3) Beginning with the June 2009 general session and for two years thereafter, voting shall be conducted in reverse alphabetical order by district. District voting order shall alternate between alphabetical and reverse alphabetical order following each subsequent general election.
- (4) Legislative representatives shall cast one of the following votes: "for," "against," or "not voting."
- (5) In the event that a legislative representative is present but is not voting, the total vote to which that district is entitled shall be cast by the other representative of that district. If both representatives for a district are present and not voting, all the votes to which that district is entitled shall be recorded as "not voting."

Section 4 Definition of Majority.

Majority shall be defined as greater than 50%.

ARTICLE V - MINUTES

Section 1 Official Records.

All proceedings of the Legislative Council other than closed sessions shall be recorded and kept on file as official records. Closed sessions shall not be recorded in any manner.

Section 2 Types of Minutes.

(A) Verbatim Minutes

The audio recordings of the legislative sessions shall be the verbatim minutes, which are deemed to be confidential and classified records of the Legislative Council. Access to these records shall be limited to legislative representatives and the Legislative Secretary.

(B) Summarized Minutes

(1) The Legislative Secretary shall prepare a written summary from the verbatim recordings of each legislative session for the Legislative Council's review and approval by legislative order.

(2) Upon approval by the Legislative Council, the summarized minutes shall be the official minutes and the property of the Tohono O'odham Nation. The Legislative Secretary may make it available to the general public of the Tohono O'odham Nation in accordance with established policy.

(C) Contents of Minutes

All summarized minutes shall include the following: the title of each agenda item, presenter's name, and for each legislative action shall include the action's title, the representative making the motion and second, action number, and the vote count.

(D) Responsibility

The Legislative Secretary of the Legislative Council shall keep the minutes of all sessions, and establish a policy regarding public access to summarized minutes.

(E) Approval of Minutes

The Legislative Secretary shall present a draft of the summarized minutes to the Legislative Council for review within five working days after the session adjourns. Summarized minutes for each Council session shall be approved in a separate legislative order.

ARTICLE VI - DEBATE

Section 1 Recognition.

During debate, a legislative representative shall be recognized by raising his hand and shall speak when called upon by the Legislative Chairperson. During a virtual session, a Council representative shall orally request to speak and shall speak when called upon by the Legislative Chairperson.

Section 2 Time Limits.

There shall be no time limit during the general discussion, except once a motion is made and seconded or a call for the vote is called, debate shall be limited in the following manner:

(A) The Legislative Chairperson shall call for final comments or questions, legislative representatives may waive their opportunity for final comments or questions. Each legislative representative shall be allowed one minute in which to comment or question.

(B) After all legislative representatives have been called upon, the Legislative Chairperson shall direct the Legislative Secretary to canvass the vote, and shall formally announce the outcome and number assigned to the resolution or ordinance.

Section 3 Written Comments.

During a virtual session, a Council representative shall present his or her comments or questions after the Legislative Chairperson recognizes the Council representative. No written comments using the technological application shall be accepted.

Section 4 Public Participation; Opening Floor for Public

During debate, the Legislative Council Chairperson may open the discussion for public participation. A Legislative Council representative may also recognize and call on a district member or other individuals to participate. Statements by the public shall be limited to ten minutes.

ARTICLE VII - PRESENTATIONS

Section 1 General Presentations.

(A) All presentations to the Legislative Council shall be conducted in the O’odham language to the extent possible. Non-O’odham speakers may provide an interpreter or translator.

(B) Any presentation made from a prepared written statement or the quotation of a document, copies or such statements or documents shall be provided to the Legislative Council prior to the presentation.

(C) Committee members should be present for committee presentations during a Legislative Council session.

(D) The names of presenters and programs shall be listed on the agenda.

(E) During a virtual session, unless there are connectivity or technological issues, a presenter shall use the camera function during the presentation.

Section 2 Testimony.

Testimony offered to the Legislative Council during hearings shall be under oath in accordance with rules adopted by the Legislative Council.

ARTICLE VIII - LEGISLATIVE ACTIONS

Section 1 Rules of Procedures.

(A) Motions

(1) With the exception of procedural decisions as defined in Section 2(A)(2) of this Article VIII, all proposed actions before the Council shall be submitted in writing in the form of a resolution, ordinance, legislative order or other action.

(2) When a written proposed action is before the Legislative Council an oral motion and second shall be required before the vote is taken.

(3) When an oral motion is made, the Legislative Chairperson will immediately ask the floor for a second and, if no second is made, the motion shall be declared dead. No written motions shall be accepted.

(4) If a call for the vote is made, the Legislative Chairperson shall limit debate in accordance with Article VI, Section 2.

(5) Should the written proposed action pending before the Legislative Council be defeated, the Legislative Chairperson may permit further discussion/debate and allow a motion on an amended action or move to the next agenda item.

(B) Motion to Amend

Once a motion and a second are made, a representative who asks to amend a proposed action must have the consent of both the motion-maker and the representative seconding the motion.

Section 2 Definition of Legislative Actions.

(A) Legislative Orders

(1) A legislative order shall be used to record any non-procedural decision that is exclusively vested in the Legislative Council and therefore does not require approval by the Nation's Chairperson, including but not limited to

- (a) adopting Council procedures and calendars,
- (b) setting special sessions,
- (c) conducting removals from office,
- (d) district schedule appeal decisions,
- (e) rejection hearing decisions,
- (f) legislative committee and officer election certifications, and
- (g) approval of summarized minutes.

(2) Legislative orders shall not be required to record procedural decisions, including but not limited to

- (a) approving or amending agendas,
- (b) preliminary voting on committee selections,
- (c) legislative officer nominations and run-off results,
- (d) closure of nominations, and
- (e) motions to proceed into closed session, to suspend the Rules to continue session after 5:00 p.m., to recess, or to adjourn.

(3) The Legislative Secretary shall keep a written record of all legislative orders in the same manner as other actions of the Legislative Council.

(4) Legislative orders shall not be subject to veto.

(B) Resolutions/Ordinances

(1) All other legislative actions which have the full effect of law shall be enacted in the form of a resolution, ordinance, or other law and shall be subject to veto.

(2) The Legislative Secretary shall keep a written record of all resolutions, ordinances, and other laws enacted by the Legislative Council.

(C) Contents of Record

(1) The records of the legislative actions shall contain the number of votes cast, the manner in which they were cast, and the names of the legislative representatives who provided the motion and second.

(2) All legislative orders, resolutions, ordinances, and other legislative actions shall be enumerated separately.

ARTICLE IX – PROCESSING AND PRESENTATION OF LEGISLATIVE ACTIONS TO THE NATION’S CHAIRPERSON; VETO PROCESS

Section 1 Preparation of Legislation for Presentation to the Chairperson of the Nation.

(A) Secretary’s Review

The Legislative Secretary shall confirm that the text of all legislative actions is the text adopted by the Tohono O’odham Legislative Council.

(B) Presentation of Legislation to the Chairperson of the Tohono O’odham Nation

(1) Every legislative action other than a legislative order that is passed by the Legislative Council shall be presented to the Nation’s Chairperson for approval before it becomes effective.

- (2) No later than three working days following the passage of any law, resolution, ordinance, or other legislative action, the Legislative Secretary, shall present the legislation to the Legislative Council Chairperson, who shall attest to the enactment with his or her signature. The Legislative Council Chairperson may direct the Secretary to expedite the presentation of a legislative action in less than three working days upon the written request (e.g. email or memorandum) of a Council representative or a written request signed by the branch head; provided that a detailed justification for any request must be provided.
- (3) No later than four working days following the passage of any legislative action other than a legislative order, the Legislative Council Chairperson, or designee, shall present a physical copy of the legislation at the office of the Chairperson of the Tohono O'odham Nation, and the person presenting the legislation shall verify delivery by affixing his or her signature and the time of receipt upon a record of receipt that shall be retained by the Council Secretary. A legislative action presented to the Nation's Chairperson for approval shall be accompanied by a copy of any document that was provided in support of the action or that was approved by that action. The presentment of legislation shall be completed upon delivery pursuant to this paragraph.
- (4) A legislative action that is approved and signed by the Nation's Chairperson, or a legislative action that is delivered to the Nation's Chairperson but is not returned within two working days or returned unsigned, shall become effective.
- (5) If the Nation's Chairperson disapproves any legislative action that is presented, the Chairperson shall return it to the Legislative Council within two working days with the Chairperson's objections.

Section 2 Receipt and Processing of Vetoed Legislation.

- (A) Any law, resolution, ordinance, or separate appropriation item vetoed by the Chairperson of the Tohono O'odham Nation shall be received by the Legislative Secretary, who shall acknowledge receipt of such veto by affixing their signature and the time of receipt upon a record of receipt.
- (B) Upon receipt of vetoed legislation, the Legislative Secretary shall place the vetoed legislation on the agenda of the next legislative session of the Legislative Council for reconsideration.
- (C) The vetoed legislation shall have priority over all items on the legislative agenda.
- (D) The Chairperson of the Legislative Council may, without debate, call for a final vote on the vetoed legislation.

(E) In accordance with Article VII, Section 5 of the Constitution of the Tohono O’odham Nation, the legislation shall become law when upon a final vote it receives a majority of two-thirds of the votes cast, and shall, in the manner prescribed in Section 1 above, be presented to the Chairperson of the Tohono O’odham Nation, who shall sign it notwithstanding his objections.

ARTICLE X - COMPENSATION

Section 1 Representatives’ Compensation.

Legislative Council representatives, including the legislative officers, shall be compensated at annual salaries to be established by the Legislative Council. Representatives’ salaries shall be comparable to other officials of the Nation and shall not be decreased during a representative’s term of office; provided that compensation may be reduced by fines for non-attendance in accordance with rules adopted by the Council.

Section 2 Seniority Adjustments.

The Budget and Finance Committee may, when appropriate and necessary, recommend seniority adjustments to the compensation of Legislative Representatives and its Officers. Seniority adjustments shall be equal to 5% of the established annualized base rate for each year of continuous service.

Section 3 Compensation for Alternates to the Legislative Council.

Alternates for legislative representatives shall be compensated at approved rates when, in the absence of the representative, as defined in Article II, they attend a general session, special session, or emergency session.

ARTICLE XI - SUBSIDIARY ORGANIZATIONS OF THE LEGISLATIVE COUNCIL

Section 1 Definitions and Existing Organizations.

(A) Legislative Committees

(1) The legislative committees of the Legislative Council are the standing committees of the Legislative Branch performing continuing functions for an indefinite time, whose membership shall consist of representatives to the Legislative Council.

(2) Existing legislative committees are:

- (a) Agricultural and Natural Resources Committee
- (b) Appropriations Committee
- (c) Budget and Finance Committee

- (d) Commerce Committee
- (e) Cultural Preservation Committee
- (f) Domestic Affairs Committee
- (g) Health and Human Services Committee
- (h) Housing Committee
- (i) Human Resource Development Committee
- (j) Judiciary Committee
- (k) Rules Committee
- (l) Water Resources Committee

(B) Additional Committees and Boards

The Legislative Council may provide for, appoint, or provide for the appointment of, and prescribe the duties and powers of committees, boards, officers and agents; provided that no such committee, board, officer, agent or organization shall exercise powers of the Legislative Council unless they are expressly delegated by the Legislative Council.

(C) Legislative Subcommittees

(1) Legislative committees may establish subcommittees within their committees to develop recommendations on assigned tasks of the committee, or review proposed legislation referred to the committee and upon completion, report back to the full committee for action.

(2) Membership of subcommittees shall be selected from within the legislative committee and may be more than but not less than three.

Section 2 Establishment and Modification of Committees.

(A) The Rules Committee shall, when directed by the Legislative Council, review the legislative committee structure and make recommendations for modifications to the existing structure.

(B) An existing legislative committee may recommend to the Legislative Council that a new legislative committee be formed.

(C) The Rules Committee shall review and make recommendations on proposed legislative committee plans of operation and amendments to plans of operation to the Legislative Council.

Section 3 Primary Functions and General Powers of the Legislative Committees.

(A) Primary Functions

The primary functions of the legislative committees are to:

- (1) Enable the Legislative Council to effectively address its constitutional responsibilities.
- (2) Draft, review, and/or revise, and recommend proposed legislation.
- (3) Advise and recommend on matters affecting their assigned authorities.

(B) General Powers

The general powers of the legislative committees are to:

- (1) Exercise any specific authority delegated to them by the Legislative Council.
- (2) Adopt internal policies, subject to review of the Rules Committee of the Legislative Council.
- (3) Subject to Legislative Council approval, to consult and negotiate agreements and contracts on behalf of the Legislative Council with federal, state and local governments and other Indian nations or their departments, agencies, or political subdivisions, or with private persons or organizations on all matters within the authority of the legislative committee.
- (4) Advise and recommend to the Legislative Council regarding federal activities that affect 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 exercising 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.

ARTICLE XII - ELECTION OF LEGISLATIVE OFFICERS AND COMMITTEE MEMBERS

Section 1 Legislative Sessions; Call to Order by Presiding Officer.

At the first legislative session of the Legislative Council following the general elections of the Nation, the presiding Chairperson of the Council shall proceed in calling the Legislative Council into session to:

- (A) Issue certificates of election in accordance with the Nation's Elections law.
- (B) Seat all candidates issued certificates of election in accordance with the Nation's Elections law.
- (C) Elect officers of the Legislative Council as prescribed in this Article XII.
- (D) Conduct the election of legislative committee members and officers as prescribed in this Article XII.

Section 2 Election of Legislative Officers.

- (A) Transfer of Proceedings to Protem Chairperson

Following the swearing-in-ceremony, the presiding Chairperson shall transfer the proceedings of the session to the Legislative Secretary who shall act as protem Chairperson of the Council and officiate the election of the Legislative Chairperson.

- (B) Nominations/Closure of Nomination

- (1) The pro tem Chairperson shall declare that the floor is open for nominations for the office of Legislative Chairperson.

- (2) Once three or more candidates have been nominated, the pro tem Chairperson may accept a motion and second to close nominations, and shall canvass the vote which shall be conducted by acclamation.

- (3) Upon closure of nominations, the pro tem Chairperson shall announce the candidates and canvass each legislative representative for their vote. Each representative shall cast their vote for one candidate.

- (C) Election Results/Run Off Election

- (1) Upon completion of voting, the pro tem Chairperson shall tabulate the votes and formally announce the results. The candidate receiving a majority of the votes cast shall be deemed to have been elected.

- (2) In the event, none of the candidates receive a majority of the votes cast, there shall be a run off of the top two candidates.

- (D) Certifying the Election Results

- (1) The pro tem Chairperson shall, when a candidate obtains the required majority, request a motion and second from the floor to declare the chairman elect to be certified

and seated.

(2) Upon receiving such motion and second, the pro tem Chairperson shall proceed with the voting and formally announce the results.

(E) Transferring the Proceedings to the Chairperson Elect

Following the certification of the election results, the pro tem Chairperson shall officially transfer the proceeding of the legislative session to the chairperson elect, who shall officiate the election of the Vice Chairperson, and other officers as necessary, in the same manner as prescribed above.

(F) Special Requirements/Eligibility of Candidates

(1) It shall be required that a minimum of three candidates be nominated before the pro tem Chairperson may accept a motion to close nominations.

(2) In accordance with Article V, Section 4 of the Tohono O’odham Nation’s Constitution, nominees must be certified members of the Legislative Council.

(G) Terms of Office

(1) The terms of office for the Legislative Chairperson and the Legislative Vice Chairperson shall be two years ending upon the transfer of proceeding as required under Article XII, Section 2(A) of these rules. The elections shall coincide with the general elections of the Tohono O’odham Nation, except that if the office of Legislative Council Chairperson or Vice Chairperson becomes vacant, the Legislative Council may elect an officer to complete the remainder of that term.

(2) The Legislative Secretary shall be appointed by the Legislative Council in accordance with the Constitution and shall serve until replaced.

(3) There shall be no limit to the number of terms a legislative representative may serve as an officer of the Legislative Council.

Section 3 Election of Legislative Committee Members.

(A) General Procedures

(1) Upon the certification of elected officers, the Legislative Council shall, in alphabetical order of the current legislative committees, proceed with the election of legislative committee members.

(2) The Legislative Council shall first address the request for retention of committee membership and then any request for seniority preference appointment before the

presiding chairperson shall announce the vacancies existing.

(B) Retention of Current Committee Membership

(1) A legislative representative may, upon a form provided for by the Legislative Secretary, state their intention to remain on an existing committee, which shall be subject to approval of the Legislative Council.

(2) Upon approval of the Legislative Council, the legislative representative shall be deemed to have been reappointed.

(C) Seniority Preference Appointment

(1) For purposes of this section, seniority shall be defined as providing continuous service as a legislative representative, i.e. re-elected, or serving out their respective term.

(2) A legislative representative having seniority as defined in Section 3(C)(1) above, may, upon a form to be provided for by the Legislative Secretary, request for a seniority preference appointment to a committee of their choice, which shall be subject to the approval of the Legislative Council.

(3) Upon approval of the Legislative Council, the legislative representative shall be deemed to have been appointed.

(D) Declaration of Candidacy

(1) Upon certification of the general election results, each legislative representative shall, upon a form provided for by the Legislative Secretary, file a declaration of candidacy for legislative committee membership with the Legislative Secretary.

(2) A legislative representative may file for more than, but not less than three committee positions.

(E) Announcement of Vacancies/Candidates

(1) The presiding Chairperson shall announce the legislative committee for which the vote will be canvassed and the number of vacancies existing.

(2) The Legislative Chairperson shall then direct the Legislative Secretary to announce the candidates that have filed for a position on the legislative committee. The Legislative Secretary shall also declare the eligibility or ineligibility of each candidate.

(F) Appointment by Acclamation

In the event that the number of candidates are equal to or less than the number of vacancies

existing, the Legislative Chairperson may request a motion and second from the floor to appoint all the candidates to the vacant positions.

(G) Special Nominations

(1) If the motion to appoint by acclamation is defeated, declared dead, or not received, the Legislative Chairperson shall declare the floor to be open for special nominations to obtain the necessary number of candidates, which shall be the number of vacancies existing plus one.

(2) When receiving the number of necessary nominees, the Legislative Chairperson shall declare that the nominations are closed and direct the Legislative Secretary to proceed with the voting as prescribed in Section 3(H) below.

(3) Each legislative representative shall be limited to one nomination per committee.

(H) Voting

(1) When the number of candidates are in excess of the number of vacancies existing, the Legislative Secretary shall canvass the vote and announce the results.

(2) Each legislative representative shall be entitled to cast their votes for as many candidates as there are vacancies.

(I) Certifying Election Results

(1) The candidates receiving the highest number of the votes cast, shall be deemed to have been elected to the legislative committee.

(2) The Legislative Chairperson shall request a motion and second to declare that the legislative committee members elected be certified and seated.

(J) Election of Legislative Committee Officers

(1) Following the election of all legislative committee members, the Legislative Chairperson shall recess the legislative session.

(2) The Legislative Chairperson, along with the Legislative Vice Chairperson, and the Legislative Secretary, shall call the respective legislative committees into committee caucuses to elect new officers.

(3) The legislative officers shall preside over the legislative committee caucuses in the following manner, in alphabetical order:

(a) The Legislative Chairperson shall preside over the first four committees.

(b) The Legislative Vice Chairperson shall preside over the next four committees.

(c) The Legislative Secretary shall preside over the remaining legislative committees.

(4) Following the election of legislative committee officers, the Legislative Council shall reconvene and the legislative officers shall present the newly elected legislative committee officers.

(K) Special Requirements/Eligibility of Candidates

(1) Candidates for a legislative committee must be certified members of the Legislative Council, and shall be the primary legislative representative for their respective district.

(2) A legislative representative may serve on three, but no more than three, legislative committees.

(L) Legislative Committee Terms; Vacancies

(1) The terms of office for the legislative committee members and officers shall be for two years ending upon the certification of the elected legislative committee members as specified in Article XII, Section 3(I)(2) of these rules.

(2) When a Legislative Council representative leaves office during his or her term, any resulting vacancy on a Legislative Council committee may be filled by seniority preference, provided that a representative's transfer from another committee shall not require a change in a committee's assigned meeting day. Thereafter, any remaining vacancies shall be filled by the representative's successor in office.

(3) When a Legislative Council representative ceases serving as a Legislative Council officer during his or her term as an officer, that representative shall be appointed to the legislative committees of his or her successor.

(M) Removal from a Legislative Committee

(1) A majority of a legislative committee may recommend that a committee member be removed for lack of participation, non-attendance at committee sessions or for other cause as prescribed in the committee's plan of operation. The committee's recommendation shall be forwarded to the Legislative Council for action and copied to the Legislative Secretary.

(2) Upon receipt of the legislative committee's recommendation, the Legislative

Secretary shall place it on the agenda of the Legislative Council for the next legislative session for consideration and shall inform the legislative representative who is recommended for removal to submit a written response to the committee's recommendation.

(3) The Legislative Council shall review the legislative committee's recommendation and the legislative representative's response and may further question the members of the legislative committee before taking legislative action to accept or reject the legislative committee's recommendation.