

TITLE 1 – GENERAL PROVISIONS

CHAPTER 4 – APPOINTED OFFICERS

*Legislative History: Title 1 Tohono O’odham Code Chapter 4, Appointed Officers was enacted March 5, 2018 by Resolution No. 18-072 and was vetoed by the Nation’s Chairman on March 9, 2018; veto overridden by Resolution No. 18-093 effective March 9, 2018. Amended by Resolution No. 23-197 (to simplify the timeframes in the appointment process and authorize the Nation’s chairperson’s appointee to serve a total of 180 days without Legislative Council approval; to incorporate amendments made by Resolution No. 21-427), **effective August 10, 2023.***

TITLE 1 – GENERAL PROVISIONS

CHAPTER 4 – APPOINTED OFFICERS

Section 4001 Officer Appointments

The chairperson of the Tohono O’odham Nation (“chairperson”), shall, subject to the approval of the Tohono O’odham Legislative Council, appoint the Nation’s treasurer and other officers and heads of all governmental departments.

Section 4002 Definitions

- (A) For purposes of this chapter, “appointed officer” means
- (1) the Nation’s treasurer;
 - (2) the unelected executive branch officer who is the head administrator of a department;
 - (3) the Gaming Office executive director and any other department officer whose appointment is subject to Legislative Council approval by law;
 - (4) the chief administrative officer, regardless of title, unless the chief administrative officer is not the head administrator of a department.
- (B) “Appointed officer” shall not include
- (1) the Nation’s attorney general, who is appointed in accordance with 20 T.O.C. Chapter 1 as may be amended;
 - (2) Nation’s chairperson or vice-chairperson;
 - (3) a legislative branch or judicial branch employee or official;
 - (4) the chairperson’s executive assistant or special counsel; provided that those individuals are not appointed officers as defined in (A)(2).
 - (5) members of executive branch or Nation’s boards or committees.
- (C) “Department” means an executive branch department, program, or other major organizational unit, or a group of executive branch departments, programs, or other major organizational unit.

Section 4003 Approval Process

- (A) The Nation’s chairperson may select a qualified appointee to serve as an appointed officer.

(B) The appropriate legislative oversight committee shall be provided with the current job description for the appointed officer's position, and the appointee's current resume, contact information, and a written background investigation report completed within 90 days of submission to the committee and that includes the following:

- (1) complete consumer credit history report;
- (2) complete 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 oversight committee shall have the opportunity to interview the appointee after being provided with all the documents and information required by subsection (B); provided that the committee shall review the background investigation report in closed session and the report shall not be disclosed or reported to any individuals other than the Council, the Nation's chairperson and vice chairperson, the appointee, and the Legislative Council Secretary's Office.

(D) The oversight committee shall determine whether the background investigation report meets the requirements of Section 4003(B) or whether additional information or verifications are necessary consistent with the requirements outlined in Section 4003 (B), (1) through (9).

(E) The Legislative Council shall be provided with all the documents required by subsection (B) and have the opportunity to interview the appointee after the oversight committee's interview and review the background investigation report in closed session, provided that the report shall not be disclosed or reported to any individuals other than the Council, the Nation's chairperson and vice chairperson, the appointee, and the Legislative Council Secretary's Office.

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

(G) No person shall perform the functions of, or be compensated for performing the duties of, an appointed officer for more than 180 consecutive or nonconsecutive days without approval of the appointment by resolution. The chairperson and Council may agree to extend the 180-day period by resolution.

(H) If an appointed officer's appointment has not been approved by Council resolution after 180 days and no resolution to extend the time period has been approved, then the appointed officer will no longer be authorized to perform the functions of, or be compensated for performing the duties of, an appointed officer. The Council and committees will not recognize or meet with the unapproved appointed officer after the 180 day time period.

Section 4004 Appointment Approval

(A) The Legislative Council shall approve an appointed officer's appointment by resolution, provided the approval shall be effective during remainder of the chairperson's term of office.

(B) When a chairperson is elected or reelected and seated to new term of office, all appointed officers shall be subject to the appointment requirements of this chapter.

Section 4005 Appointment Disapproval

(A) An appointed officer's appointment shall be disapproved by the Legislative Council if the appointing resolution is defeated.

(B) Effective on the date of disapproval, a disapproved appointee shall not serve in, perform the functions of, or be compensated for serving in the position for which his or her appointment was disapproved; provided that the disapproved appointee shall be compensated up to and including the date of his or her disapproval.

(C) A disapproved appointee is not barred from serving in another position in accordance with the Nation's laws and policies.