

**TITLE 2 – GOVERNMENT ADMINISTRATION
PART II –DEPARTMENTS; DIVISIONS
CHAPTER 2-13- LEGAL SERVICES**

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Legislative History *Established on May 14, 2008 by Resolution No. C05-96-08 and Ordinance No. 17-08*

SUBCHAPTER A GENERAL PROVISIONS

Section 10 Purpose (2 PYTC § 2-13-10)

The purpose of this subchapter is to establish the Legal Services Department of the Pascua Yaqui Tribe and to provide authorization and guidance for its operation.

Section 20 Short Title; Codification (2 PYTC § 2-13-20)

This ordinance shall be known as the “Pascua Yaqui Legal Services Ordinance of 2008.”

Section 30 Establishment of the Legal Services Department (2 PYTC § 2-13-30)

- (A) The organizational division to be known as Pascua Yaqui Legal Services is hereby created as a department in the Executive Branch of the Pascua Yaqui Government.
- (B) If any section or part of this Chapter is later determined to be void or unenforceable, the remainder of this Chapter shall nevertheless remain in full force and effect, unless this Chapter, without said void or unenforceable section or part, fails in its purpose.

Section 40 Purpose of Department (2 PYTC § 2-13-40)

- (A) The purpose of Pascua Yaqui Legal Services is to promote the goal of equal access to justice for individual Tribal Members.
- (B) Pascua Yaqui Legal Services shall provide quality legal services, advice, document preparation and representation in civil court matters and selected criminal matters that relate to income maintenance, both on and off the Pascua Yaqui Reservation.
- (C) Pascua Yaqui Legal Services shall provide public education regarding legal matters so that members may have their legal affairs in order and negotiate their way in a complex and ever- changing society.

Section 50 Mission (2 PYTC § 2-13-50)

The mission of the Legal Services Department is to assist individual tribal members in handling their legal affairs to promote the ability of tribal members to provide for their families, maintain safe home environments, and resolve fundamental legal issues regarding safety, home, property, education, support of children and aging Tribal Members.

SUBCHAPTER B DIRECTOR

Section 60 Creation and Appointment (2 PYTC § 2-13-60)

- (A) The position of Director of the Legal Services Department is hereby created. Pascua Yaqui Legal Services shall consist of a “Director of Legal Services” and such offices necessary for the execution of its mission, performance of its mandated functions, and to achieve its annual goals and objectives.
- (B) The Director shall not be deemed to be a “tribal officer” as defined in Article VII of the Constitution of the Pascua Yaqui Tribe; and

- (C) The Director shall be nominated by the Chairperson and must be approved by the Tribal Council by majority vote of the entire Council. Approval by the Tribal Council will constitute appointment to the position of Director.
- (D) The Director will be a full-time employee of the Tribe and will be paid compensation commensurate with his or her skills, education, experience, and responsibilities within the standards of compensation, if any, established by the Tribe.
- (E) The Director must report to, and will be directly supervised by, the Chairperson.
- (F) The Director serves at the pleasure of the Tribal Council, and may be removed from that position only by a majority vote of the entire Tribal Council.

Section 70 General Duties of Director (2 PYTC § 2-13-70)

- (A) The Director will administer, supervise and direct the activities of the Department.
- (B) The Director will advise the Chairperson regarding;
 - (1) Establishment of policies and procedures for case acceptance or rejection.
 - (2) Statistical data as to Tribal Members served.
- (C) Employ and prescribe the duties and powers of administrative, professional, technical, secretarial, clerical and other persons as may be necessary in the performance of the Department's duties and contract for the services of outside advisors, consultants and aides as may be reasonably necessary to provide legal services to clients in a manner consistent with State Bar of Arizona and American Bar Association Standards.
- (D) Assure that the personnel policies and procedures are accurately and fairly applied in all matters as it pertains to personnel management and administration.
- (E) Delegate any functions, powers, or authorities to department employees.
- (F) Develop and implement internal policies for the efficient and effective administration of the Department.
- (G) Formulate policies, plans and programs to effectuate the missions and purposes of the Department.
- (H) Assist the Tribe's divisions, departments, offices, enterprises, boards, committees or commissions in the furtherance of the Department's purposes, objectives and programs.
- (I) Advise and make recommendations to the Chairperson and Tribal Council on all matters concerning the Department's purposes, objectives and programs.

Section 80 Supervisory Duties and Authorities of Director (2 PYTC § 2-13-80)

- (A) The Director has authority to select, appoint, and hire employees necessary to carry out the laws, regulations, policies and programs adopted by the Tribal Council including, but not limited to;
 - (1) Hiring authority, subject to the policies and procedures of the Tribe's Employee Handbook and personnel policies;
 - (2) Termination authority, subject to the policies and procedures of the Tribe's Employee Handbook and personnel policies;
 - (3) Personnel discipline;
 - (4) Personnel performance review;

- (5) Personnel job assignments;
- (B) The Director has authority to delegate any function, powers, and authorities to other employees of the Department, except as may be prohibited by Tribal law.
- (C) The Director has budgetary authority for the Department.
- (D) The Director has authority to develop and implement internal policies for the efficient and effective administration of the Department.
- (E) The Director has signature authority for the Department, except as may be permissibly delegated.

SUBCHAPTER C ORGANIZATION

Section 90 Organization (2 PYTC § 2-13-90)

- (A) The Department consists of a Director and such other divisions and offices necessary for the execution of its mission, performance of its mandated functions, and to achieve its long and short term goals and objects.
- (B) The Department may employ staff professionals, support personnel, and/or contract with professional service firms as the Director determines, consistent with the laws of the Tribe and approved budgetary authority.
- (C) The Department must maintain a current organizational chart. The organizational chart must accompany its annual budget submission and any budget modification requests during the fiscal year, in accordance with the Tribe's Fiscal Management Ordinance.

SUBCHAPTER D AUTHORIZED PROGRAMS

Section 100 Authorized Programs (2 PYTC § 2-13-100)

The Department will have the following authorized programs, and such other programs as the Tribal Council or the Chairperson may assign.

- (A) An office providing legal services which shall be located on the Pascua Yaqui Tribe Reservation.
- (B) An office providing legal services which shall be located in the Town of Guadalupe, Arizona.
- (C) Other programs or duties as subsequently directed by the Tribal Council or the Chairperson..
- (D) If a program is authorized by the Tribal Council, it may terminate such program at any time, and such termination shall act as an amendment to this Chapter if the program is specifically delineated in this Chapter, but funding shall be provided by council to allow attorneys from the department familiar with the cases to ethically finish all cases that are pending in court on a contract basis where a formal notice of appearance has been filed by a Pascua Yaqui Legal Services Attorney.
- (E) The Pascua Yaqui Legal Services Department is authorized to represent Tribal Members who are defendants in administrative hearings against the Tribe. However, the Department shall be precluded from representation of Tribal Members in suits against the Tribe in any court, including without limitation, Tribal, State, or Federal Courts.
- (F) If a program is authorized by the Chairperson, it may be terminated, in whole or in part, by either the Chairperson or the Tribal Council.

SUBCHAPTER E PROGRAM EVALUATION AND MONITORING

Section 110 Program Evaluation and Monitoring (2 PYTC § 2-13-110)

- (A) The Director must conduct ongoing evaluation of all programs under his or her control.
- (B) The Director must monitor all programs under his or her control on a regular basis.
 - (1) In the event the Director discovers any irregularity in a program under his or her control, he or she must report that irregularity immediately to the Chairperson.

Section 120 Reporting (2 PYTC § 2-13-120)

- (A) The Director will provide reports and meet with the Chairperson and the Tribal Council on the Department's operations and significant activities on a regular basis.
- (B) The Director must report to the Council on programs under his or her control on a schedule determined by the Tribal Council."