

PLAN OF OPERATION FOR THE BUDGET AND FINANCE COMMITTEE

I. ESTABLISHMENT

The Budget and Finance Committee (the “Committee”) of the Tohono O’odham Legislative Council (“Legislative Council”) is established as a standing committee of the Legislative Council pursuant to the Rules of the Tohono O’odham Legislative Council (“Legislative Rules”).

II. PURPOSE

The purpose of this Plan of Operation is to define the scope of the Committee’s general powers and its oversight authority with respect to the Legislative, Judicial and Executive Branches of the Tohono O’odham Nation (the “Nation”), entities and enterprises of the Nation.

III. POWERS

- A. **Scope and Extent.** The Committee shall review matters within the Committee’s general powers and its oversight authority prescribed in this Article III and shall make recommendations to the Legislative Council on any matters requiring action by the Legislative Council.
- B. **General Powers.** The Committee shall exercise the following general powers in matters within its oversight authority:
 - 1. Exercise any specific authority delegated to the Committee by the Legislative Council.
 - 2. Adopt internal policies, subject to review of the Rules Committee of the Legislative Council.
 - 3. Subject to approval by the Legislative Council, to consult and negotiate agreements and contracts with tribal, federal, state and local governments, their departments, agencies, or political subdivisions, and with private persons or organizations on all matters within the Committee’s authority.
 - 4. Advise and make recommendations 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 ordinances, resolutions, legislative orders, or other laws necessary or incidental to the exercise 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.
9. Conduct investigations as needed to exercise its general powers and oversight authority.
10. To review and recommend legislative measures or actions to the Legislative Council (i) appropriating, authorizing or approving the expenditure of public funds or fiscal resources of the Tohono O'odham Nation, (ii) approving, rescinding or amending budgets of the Nation, of the various departments of the government of the Nation, (iii) levying duties, fees, taxes or assessments on any person, corporation or association residing or doing business within the Nation.
11. To approve in writing, on behalf and in the name of the Legislative Council and the Nation, modifications of any budget of the Nation, of any budget of the departments of the Nation, or of any duly-authorized district budget, which budget was previously approved by the Legislative Council, provided that such modifications do not change the aggregate total of the funds originally budgeted or change the purposes for which the funds were budgeted, and therefore do not require a new or separate appropriation of funds.
12. To review and make recommendations regarding all amendments to budgets approved by the Legislative Council.
13. To review and recommend legislative measures or actions to the Legislative Council concerning the use of funds appropriated or held in trust by the federal government for the benefit of, and available to the Nation under grants or contracts.
14. To approve in writing, on behalf and in the name of the Legislative Council and the Nation, any amendments of any grant or contract for the use of funds appropriated or held in trust by the federal government for the benefit of the Nation, which grant or contract was previously approved by the Legislative Council, provided that such amendments do not increase the aggregate total of the fund originally granted or contracted for and do not change the purposes for which the funds were granted or contracted, and therefore do not require a new or separate appropriation of funds.
15. To make continuing studies of the effect on budget, contract or grant outlays of relevant existing and proposed legislation and to report the results of such studies to the Legislative Council on a recurring basis.

16. To review and recommend legislative measures or actions affecting (i) the establishment of bank accounts for, and the deposit or expenditure of public moneys, including grant, contract and trust funds held by the Nation (ii) general revenue sharing and (iii) the office of the Treasurer of the Nation. The committee shall have legislative oversight of the office of the Treasurer of the Nation.
17. To approve in writing, on behalf and in the name of the Legislative Council, procedures for closing out the Nation's financial books at the end of the fiscal year, including the approval of year-end variances in expenditures of any budget of the Nation which was previously approved by the Legislative Council; provided that such variances do not exceed the aggregate total of the funds within the Council-approved budget or change the purposes for which the funds were budgeted, and further provided that the Accounting Office shall promptly provide the Committee with the written close out report and a written report of variances between budgeted funds and actual expenditures for each budget at the end of the fiscal year.

C. General Oversight Authority. The Committee shall have the following general oversight authority:

1. Executive Branch. Office of the Treasurer and the Accounting Office.
2. Other Matters.
 - (a) Any other activity of the Nation, its enterprises or entities which relates to financial matters.
 - (b) Any activity of a tribal, federal, state or local government, or private entity or individual which relates to financial matters.
 - (c) Any grant of authority to the Committee by the Legislative Council or the laws of the Nation.

D. Specific Oversight Authority. The Committee shall have specific oversight authority to review and recommend action by the Legislative Council on appointments of directors, officers, and heads of any department listed in Section III (C) which are made by the Chairman of the Nation and subject to approval of the Legislative Council pursuant to Section 2(e) of Article VII of the Nation's Constitution or any law of the Tohono O'odham Nation.

IV. MEMBERSHIP

A. Number. Except in the event of a vacancy, the Committee shall consist of five members of the Legislative Council. The Chairperson and Vice-Chairperson of the Legislative Council shall be ex officio, non-voting members of the Committee.

- B. Selection. The members of the Committee shall be selected in accordance with the Legislative Rules.
- C. Term of Office. Each Committee member shall serve for a term of two years or until the election of Committee members in accordance with the Legislative Rules following the next general election.
- D. Officers. The officers of the Committee shall be a Chairperson and Vice Chairperson who shall be selected from the Committee membership pursuant to the procedures set forth in the Legislative Rules. The presence of a Committee officer is not required to conduct a meeting.
- E. Removal.
 - 1. The Committee may, by majority vote, recommend to the Legislative Council that any Committee member be removed from the Committee for lack of participation, non-attendance at Committee meetings, or other justifiable cause.
 - 2. In accordance with Article VI, Section C of this Plan, the Committee member whose removal is under consideration shall not vote on the removal recommendation or be counted for the purpose of establishing a quorum, but may make a statement regarding the removal recommendation before the vote is taken.
 - 3. If the Legislative Council takes action upon and accepts the Committee's removal recommendation pursuant to the Legislative Rules, the Committee member shall be removed and shall no longer be a member of the Committee.

V. SUBCOMMITTEES

- A. Establishment. The Committee may establish one or more subcommittees for the purposes described in the Legislative Rules.
- B. Membership. There shall be no less than three members of a subcommittee who shall be selected from the membership of the Committee.

VI. VOTING

- A. Quorum. At any meeting, a quorum shall consist of not less than three Committee members. No action shall be taken without a quorum present. One ex officio, non-voting member of the Committee present at the meeting shall be deemed a member of the Committee for the purpose of establishing a quorum only.

- B. Vote. The vote of a majority of the members comprising a quorum shall constitute the action of the Committee.
- C. Conflict of Interest. No member of the Committee shall participate in the discussion or vote on any matter before the Committee in which the member or the member's immediate family has a personal or financial interest. The term "immediate family" means a household member, spouse, cohabitant, child, grandchild, parent, grandparent, brother or sister of whole or half blood and their spouses and the parent, brother, sister or child of a spouse or cohabitant. A member of the Committee shall immediately disclose to the other Committee members any conflict of interest as soon as the member becomes aware that a conflict exists. A Committee member who has a conflict of interest on a matter pending before the Committee shall not be counted for the purpose of determining whether a quorum exists on such matter.

VII. MEETINGS

- A. Regular Meetings. Regular meetings of the Committee shall be held on the day designated by the Legislative Council. Regular meetings shall be held at the time designated by the Legislative Council or if no time is specified, at the time determined by the Committee.
- B. Special Meetings. Special meetings of the Committee shall be at the time and date designated by the Chairperson of the Committee, by the Vice Chairperson of the Committee in the absence of the Chairperson, or by two members of the Committee. All Committee Members shall receive notice of any special meeting.
- C. Place.
 - 1. All meetings of the Committee shall be held in Sells, Arizona unless a different location is set by the Committee during a meeting at which a quorum is present, and except as provided in this subsection C.
 - 2. If the Committee determines there is good cause in accordance with this subsection C., it may by consensus or majority vote:
 - a. permit a member or other individual who provides advance notice, to the extent possible, to attend a committee meeting by phone, a meeting application, or other technology;
 - b. hold a meeting by phone, a meeting application, or other technology; provided that the committee chairperson or vice chairperson shall provide advance written notice to the Council officers.
 - 3. For purposes of this subsection VII.C., examples of good cause include: when necessary to achieve a quorum or maximize participation; to address transportation or health issues, or weather conditions; for efficiency; or in

response to emergency conditions.

- D. Closed Session. A majority of the Committee may vote to address a matter in closed session. The Committee may determine whether to permit any person who is not a Committee member to attend a closed session. No person shall disclose any documents, discussions, or other information from a closed session to any person who was not present at that session other than a Committee member.

VIII. AMENDMENTS

This Plan of Operation may be amended by Legislative Order of the Legislative Council upon the Committee's recommendation after review by the Legislative Rules Committee.