

TITLE 26 - FINANCE

CHAPTER 1 - FINANCE CODE

ARTICLE 6 - SIGNATURES AND BANK ACCOUNTS

Legislative History: Resolution No. 190-88 "Reauthorizing Opening Of and Withdrawals from Bank Accounts" was passed by the Council on July 15, 1988 and vetoed by the Nation's Chairman on July 18, 1988; veto was overridden by Resolution No. 191-88 on July 19, 1988; signature authority was amended by Resolution No. 06-466 "Directing Development of Finance Code and Authorizing Officials to Sign Negotiable Instruments on the Nation's Behalf" effective July 13, 2006.

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Reauthorizing Opening Of and Withdrawals from Bank Accounts)

RES. NO. 190-88

1
2 WHEREAS, under the Constitution of the Tohono O'odham Nation the
3 Treasurer of the Tohono O'odham Nation is charged with
4 the acceptance, receipt and safekeeping of all tribal
5 funds, and with the deposit of such funds as directed by
6 the Legislative Council; and

7 WHEREAS, the Treasurer's position has been vacant for over a
8 year, the Legislative Council did by Res. No. 189-88
9 establish the position of Chief Financial Officer with
10 prescribed duties and responsibilities "for receiving,
11 safekeeping and disbursement of the Nation's funds.
12 Also responsible for protecting the Nation's interest in
13 all financial matters."

14 NOW THEREFORE, BE IT RESOLVED by the Legislative Council that the
15 Chief Financial Officer is hereby authorized to open
16 and maintain such checking, savings or other banking
17 accounts in the name and on behalf of the Tohono O'odham
18 Nation.

19 BE IT FURTHER RESOLVED that, until further order of this Council,
20 any funds of the Tohono O'odham Nation deposited in such
21 accounts be subject to withdrawal or charge at any time
22 upon checks, notes, drafts, bills of exchange,
23 acceptances, undertakings or other instruments or orders
24 for the payment when made, signed, drawn, accepted, or
25 endorsed on behalf of the Tohono O'odham Nation by any
26 two of the following officers, namely the Chief
27 Financial Officer, the Chairman and Vice Chairman of the
28 Nation.

29 BE IT FURTHER RESOLVED that the Secretary or any other officer of
30 the Legislative Council from time to time in office is
31 authorized to verify the names of the officers of the
32 Legislative Council and Executive Department and their
respective offices, together with specimens of their

1 signatures, and in case of any change of any holder or
2 holders of any such office or offices, the fact of such
3 change and the names of any new officers and the offices
4 respectively held by them, together with specimens of
5 their signatures.
6

7 The foregoing resolution was passed by the Tohono O'odham Council
8 on the 15th day of July, 1988 at a meeting at which a quorum
9 was present with a vote of 1,640.0 for; -0- against; -0- not
10 voting; and 04 absent, pursuant to the powers vested in the
11 Council by Section 1 (d) of Article VI of the Constitution of
12 the Tohono O'odham Nation, adopted by the Tohono O'odham Nation
13 on January 18, 1986, and approved by the Acting Deputy Assistant
14 Secretary - Indian Affairs (Operations) on March 6, 1986,
15 pursuant to Section 16 of the Act of June 10, 1934 (48 Stat.
16 984).

17 TOHONO O'ODHAM LEGISLATIVE COUNCIL

18 Arden M. Patricia
19 Harriet Toro, Legislative Chairperson

20 15 day of July, 1988.

21 ATTEST:

22 Teresa H. Choyguha
23 Teresa H. Choyguha, Legislative Secretary

24 15th day of July, 1988.

25 Said Resolution was submitted for approval to the office of the
26 Chairman of the Tohono O'odham Nation on the 15 day of
27 July, 1988, at 5:36 o'clock, P.M.,
28 pursuant to the provisions of section 5 of Article VII of the
29 Constitution and will become effective upon his approval or upon
30 his failure to either approve or disapprove it within 48 hours of
submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Arden M. Patricia
Harriet Toro, Legislative Chairperson

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[] APPROVED) on the 18th day of July, 19 88,
[✓] DISAPPROVED) at 9:41 o'clock, A.M.

Enos J. Francisco, Jr.
ENOS J. FRANCISCO, JR., Chairman
TOHOMO O'ODHAM NATION

Returned to the Legislative Secretary on the 18th day of
July, 19 88, at 9:49 o'clock, A.M.

Teresa M. Choyguha
Teresa M. Choyguha
Legislative Secretary

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Override Veto of Resolutions NO. 188-88, 189-88, and 190-88)

RES. NO. 191-88

1 WHEREAS, the Budget and Finance Committee of the Legislature,
2 (the Committee), presented a report to the Tohono
3 O'odham Legislative Council, (the Legislature),
4 containing certain recommendations concerning the
5 condition and status of the Tohono O'odham Nation's
6 Financial System; and

7 WHEREAS, the Legislature, by the enactment of Resolutions No.
8 188-88, 189-88, and 190-88 did approve of the
9 recommendations presented by the Committee; and

10 WHEREAS, upon presentation of Resolutions 188-88, 189-88, and
11 190-88 to the Chairman of the Tohono O'odham Nation he
12 did disapprove thereof and returning it to the Council
13 with his objections in accordance with provisions of
14 Article VII, Section 5 of the Constitution of the Tohono
15 O'odham Nation; and

16 WHEREAS, the Legislative Council has reviewed the Chairman's
17 objections and a written rebuttal prepared by the
18 Committee, (see attached "Budget and Finance
19 Committee's response to the Veto of resolutions 188-88,
20 189-88, and 190-88); and

21 WHEREAS, after full consideration, the Legislative Council again
22 voted to pass Resolutions No. 188-88, 189-88, and 190-
23 88.

24 NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham
25 Legislative Council, does hereby override the Chairman's
26 veto of Resolutions No. 188-88, 189-88, and 190-88, by a
27 vote of two-thirds (2/3) of the votes cast, 1,020.0.

28 The foregoing resolution was passed by the Tohono O'odham Council
29 on the 19th day of July, 1988 at a meeting at which a quorum was
30 present with a vote of 1,486.5 for; 42.5 against; 111.0 not
31 voting; and 03 absent, DID OVERRIDE the Chairman's veto of
32 Resolution No. 188-88, 189-88 & 190-88, pursuant to the powers
vested in the Council by Section 5 of Article VII of the
Constitution of the Tohono O'odham Nation, adopted by the Tohono
O'odham Nation on January 18, 1986 and 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

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Harriet Toro
Harriet Toro, Legislative Chairperson
19th day of July, 1988.

ATTEST:

Teresa M. Choyguha
Teresa H. Choyguha, Legislative Secretary
19th day of July, 1988.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 19th day of July, 1988, at 3:58 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

Harriet Toro
Harriet Toro, Legislative Chairperson

APPROVED) on the 19th day of July, 1988.
 DISAPPROVED) at 4:55 o'clock, P.M.

Enos J. Francisco Jr
ENOS J. FRANCISCO, JR., Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 20th day of July, 1988, at 8:57 o'clock, A.M.

Teresa M. Choyguha
Teresa H. Choyguha
Legislative Secretary

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**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Directing Development of Finance Code and Authorizing Officials to Sign Negotiable
Instruments on the Nation's Behalf)**

RESOLUTION NO. 06-466

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Tohono O'odham Legislative**
2 **Council with broad legislative and fiscal powers, including the power "to manage any**
3 **funds within the exclusive control of the Tohono O'odham Nation, including proceeds**
4 **derived from lands and resources of the Tohono O'odham Nation" (Constitution,**
5 **Article VI, Section 1(d)(2)); and**

6 **WHEREAS, the Nation's Chairperson is vested by Article VII, Section 2 of the Constitution with the**
7 **power to "oversee the implementation of all laws, ordinances, resolutions and rules**
8 **made by the Tohono O'odham Council," to "exercise all other powers delegated to him**
9 **by the Tohono O'odham Council," and to "oversee the administration and**
10 **management of the government in accordance with an administrative plan adopted**
11 **by the Tohono O'odham Council" (Constitution, Article VII, Section 2(c), (d), and (a));**
12 **and**

13 **WHEREAS, although the Legislative Council Budget and Finance Committee is in the process of**
14 **developing a Finance Code that will clarify the power of various Nation's officials to**
15 **execute contracts, sign other documents and instruments, and to exercise certain**
16 **fiscal powers, current law requires that any funds deposited in the Nation's accounts**
17 **be subject to withdrawal or charge upon checks or other instruments "when made,**
18 **signed, drawn, accepted, or endorsed on behalf of the Tohono O'odham Nation by any**
19 **two of the following officers, namely the Chief Financial Officer, the Chairman and**
20 **Vice Chairman of the Nation" (Resolution No. 190-88, veto overridden by Resolution**
21 **No. 191-88); and**

22 **WHEREAS, as a matter of practice, the Nation has historically issued payroll, per diem, travel,**
23 **reimbursement, and other checks bearing the signatures of both the Nation's**
24 **Chairperson and Vice Chairperson; and**

25 **WHEREAS, subsequent to the passage of Resolution No. 190-88, the Nation's Chief Financial**
26 **Officer position was eliminated; and**

27 **WHEREAS, with the recent resignation of Vice Chairman Ned Norris, Jr., there is no elected official**
28 **currently authorized to serve as a second signatory on the Nation's checks as required**
29 **by law; and**

RESOLUTION NO. 06-466

(Directing Development of Finance Code and Authorizing Officials to Sign Negotiable Instruments on the Nation's Behalf)

Page 2 of 4

1 **WHEREAS, the position of the Nation's Treasurer remains vacant and significant concerns have**
2 **been raised concerning the organization, staffing, and performance of the Office of the**
3 **Treasurer; and**

4 **WHEREAS, it is essential to implement internal controls and establish clear lines of authority to**
5 **prevent incidents of fiscal mismanagement; and**

6 **WHEREAS, it is therefore in the Nation's best interest to amend Resolution No. 190-88 to identify**
7 **those officials who, in addition to the Nation's Chairperson, are vested with the**
8 **authority to sign the Nation's checks and other negotiable instruments; and**

9 **WHEREAS, pursuant to Resolution No. 83-88, "Adoption of Budget and Finance Committee's Plan**
10 **of Operation," the Legislative Council Budget and Finance Committee is delegated the**
11 **power to "review and recommend legislative measures or action to the Legislative**
12 **Council . . . approving the expenditure of public funds or fiscal resources of the Nation"**
13 **and measures or actions affecting "the establishment of bank accounts for, and the**
14 **deposit or expenditure of public monies" and funds (Plan of Operation, Section**
15 **1(b)(1)); and**

16 **WHEREAS, the Budget and Finance Committee has consulted with the full Council, the Nation's**
17 **Chairwoman, and the Accounting Department concerning the need for authorizing**
18 **two officials to sign all checks issued by the Nation; and**

19 **WHEREAS, based on its review, the Budget and Finance Committee recommends that the Nation's**
20 **checks and other negotiable instruments bear the signature of both the Nation's**
21 **Chairperson and Vice Chairperson and that, in the event of a vacancy in the office of**
22 **the Nation's Vice Chairperson, that such instruments bear the signature of the**
23 **Chairperson of the Nation and the Chairperson of the Tohono O'odham Legislative**
24 **Council Budget and Finance Committee.**

25 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that the Budget**
26 **and Finance Committee is directed, in consultation with the Accounting Department,**
27 **Office of the Treasurer, and the chief administrative officers of the Nation's three**
28 **branches of government, to develop a Finance Code to protect the Nation's financial**
29 **integrity while allowing business to be conducted in an efficient and timely manner.**

RESOLUTION NO. 06-466

(Directing Development of Finance Code and Authorizing Officials to Sign Negotiable Instruments on the Nation's Behalf)

Page 3 of 4

1 **BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that the Finance Code shall
2 contain provisions governing budget development, approval, and administration;
3 accounting and financial statements; procurement; Indian Preference in the
4 acquisition of goods and services; contracting; grant funding; audits and internal
5 controls; signature authority, property management and disposal; and all other
6 matters the Budget and Finance Committee deems necessary.

7 **BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that the second resolved
8 clause in Resolution No. 190-88 is hereby amended and replaced to read as follows:

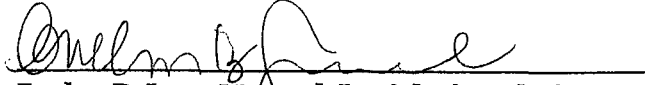
9 "BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that (1) any
10 funds of the Tohono O'odham Nation deposited in such accounts be subject to
11 withdrawal or charge at any time upon checks, notes, drafts, bills of exchange,
12 acceptances, undertakings or other instruments or orders for payment (collectively,
13 "negotiable instruments") when made, signed, drawn, accepted, or endorsed on
14 behalf of the Tohono O'odham Nation by both the Nation's Chairperson and Vice
15 Chairperson, who shall be the designated signatories of the Nation for that purpose,
16 (2) in the event that the position of the Nation's Vice Chairman is vacant as defined
17 in the Constitution and laws of the Nation, the Chairperson of the Tohono O'odham
18 Legislative Council Budget and Finance Committee shall serve as the second
19 designated signatory of the Nation on negotiable instruments, and (3) the signature
20 of the two officials identified herein are required to constitute the authorized
21 signature of the Nation on any negotiable instruments issued by the Nation.

22 **BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that it hereby (1) ratifies the
23 signatures on checks issued by the Nation from June 28, 2006 at 2:00 p.m. until the
24 effective date of this Resolution and (2) authorizes the Nation's Chairwoman to act as
25 the sole signatory on checks issued by the Nation until such time that the second
26 signature authorized by this Resolution is implemented.

27 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12TH Day
28 of **JULY, 2006** at a meeting at which a quorum was present with a vote of **1,589.0 FOR; 758.45**
29 **AGAINST; 93.35 NOT VOTING; and [02] ABSENT**, pursuant to the powers vested in the Council by
30 Article VI, Section 1 (d) and (f) of the Constitution of the Tohono O'Odham Nation, adopted by the
31 Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
32 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
33 18, 1934 (48 Stat. 984).

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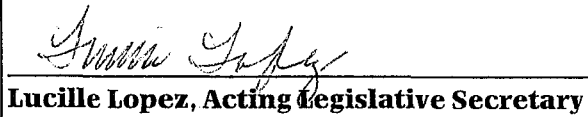
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Evelyn B. Juan Manuel, Legislative Chairwoman

13th day of July, 2006

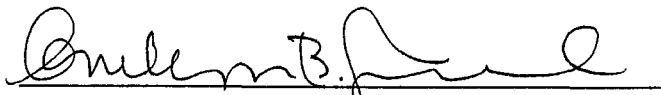
ATTEST:


Lucille Lopez, Acting Legislative Secretary

13 day of July, 2006.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 13th day of July, 2006 at 2:10 o'clock, P..M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

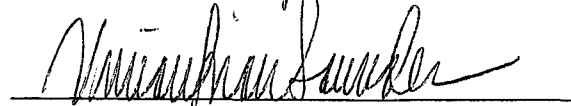
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Evelyn B. Juan Manuel, legislative Chairwoman

APPROVED on the 13 day of July, 2006

DISAPPROVED at 3:30 o'clock, P..M.



VIVIAN JUAN SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 14 day of

July, 2006, at 12:13 o'clock, P..M.


Lucille Lopez, Acting Legislative Secretary