

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Confirming the Interim Appointment of Representative Billman Lopez to the
Community Development Financial Institution Board)**

RESOLUTION NO. 18-108

1 **WHEREAS,** the Tohono O'odham Legislative Council is vested with the power to "provide for,
2 appoint, or provide for the appointment of, and prescribe the duties and
3 powers of committees, boards, officers and agents" (Constitution of the Tohono
4 O'odham Nation, Article VI, Section 1(b)); and

5 **WHEREAS,** the Legislative Council has adopted the Charter for the Community
6 Development Financial Institution of the Tohono O'odham Nation ("Charter"),
7 establishing the Community Development Financial Institution ("CDFI") as an
8 enterprise of the Tohono O'odham Nation and the CDFI Board ("Board") (10
9 Tohono O'odham Code Chapter 2); and

10 **WHEREAS,** the Charter establishes a Board consisting of five Directors who serve staggered,
11 three-year terms and hold office until his or her successor has been appointed
12 and qualified (Charter, Article V, 5.1.6.); and

13 **WHEREAS,** the Charter provides that the Chairperson of the Nation shall nominate
14 Directors to the CDFI Board, with confirmation by the Legislative Council
15 (Charter, Article V, 5.1.2.); and

16 **WHEREAS,** with only two Directors, the CDFI Board does not have enough Directors for a
17 quorum, and cannot conduct official business and oversee the operations and
18 services provided by CDFI to the Nation's members; and

19 **WHEREAS,** the Commerce Committee recommends confirming the interim appointment of
20 Representative Billman Lopez for a term until replaced by a CDFI Director.

21 **NOW, THEREFORE, BE IT RESOLVED** that notwithstanding 10 Tohono O'odham Code Chapter 2,
22 the Tohono O'odham Legislative Council confirms the interim appointment of
23 Representative Billman Lopez to the CDFI Board for a term beginning on the
24 effective date of this resolution, provided that

25 (1) The appointment made by this resolution shall be exempt from the
26 Tohono O'odham Nation Board Appointment Guidelines.

27 (2) As an interim Director to the CDFI Board who is also a Legislative Council
28 representative, Representative Billman Lopez shall not receive a stipend
29 or per diem for attending Board meetings, but shall be eligible for
30 mileage reimbursement in accordance with the written policies of the
31 Tohono O'odham Legislative Council.

32 (3) The interim appointment made by this resolution shall expire
33 immediately upon the appointment of a successor and shall immediately

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terminate if the interim Director is no longer serving on the Legislative Commerce Committee.

(4) As an interim Director, Representative Billman Lopez shall continue to serve until his successor has been appointed and qualified.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09TH day of APRIL, 2018 at a meeting at which a quorum was present with a vote of 3,084.6 FOR; -0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1 (b) 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 Stat.984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin

Timothy Joaquin, Legislative Chairman

13 day of April, 2018

ATTEST:

Evonne Wilson

Evonne Wilson, Legislative Secretary

13 day of April, 2018

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 13 day of April, 2018 at 2:16 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

Timothy Joaquin

Timothy Joaquin, Legislative Chairman

APPROVED

on the 17 day of April, 2018

DISAPPROVED

at 2:16 o'clock, P.m.

Edward D. Manuel

EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

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1 Returned to the Legislative Secretary on the 17 day of

2 April, 2018, at 2:17 o'clock, P.m.

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5 Evonne Wilson

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7 **Evonne Wilson, Legislative Secretary**

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ACTION: CONFIRMING THE INTERIM APPOINTMENT OF REPRESENTATIVE BILLMAN LOPEZ TO THE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION BOARD

Moved: COUNCILMAN ARTHUR WILSON

SECOND: COUNCILWOMAN GRACE MANUEL

DATE: APRIL 09, 2018

| DISTRICT | LEGISLATIVE REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|----------------------|---|------------------|----------------|------------|------------|-------------|
| SIF OIDAK 235.8 | 1. MARY LOPEZ () 2. LUCINDA ALLEN (Yolonda Garcia) | 117.9 117.9 | X X | | | X |
| SELLS 527.2 | 1. ARTHUR WILSON (Evelyn Juan Manuel) 2. ADRIANNE TILLER (Idaleen Reyes) | 263.6 263.6 | X X | | | |
| SCHUK TOAK 185.7 | 1. ANTHONY J. FRANCISCO JR. (Teresa F. Donahue) 2. QUINTIN C. LOPEZ (Agnes V. Joaquin) | 92.85 92.85 | X X | | | |
| SAN XAVIER 232.3 | 1. DANIEL L.A. PRESTON III (Felicia Nunez) 2. JANICE FELIX () | 116.15 116.15 | X X | | | |
| SAN LUCY 231.1 | 1. JANA MONTANA (<i>Absent</i>) (Diana Manuel) (<i>Present</i>) 2. GLORIA RAMIREZ (Lorraine Eiler) | 115.55 115.55 | X X | | | |
| PISINEMO 225.9 | 1. CHESTER ANTONE (Caroline D. Garcia) 2. MONICA K. MORGAN () | 112.95 112.95 | X X | | | |
| HICKIWAN 209.0 | 1. LOUIS R. LOPEZ (Shirley Molina) 2. SANDRA D. ORTEGA () | 104.5 104.5 | X X | | | X |
| GU VO 256.9 | 1. GRACE MANUEL () 2. DALLAS LEWIS (Nacho Flores) | 128.45 128.45 | X X | | | |
| GU ACHI 270.9 | 1. TIMOTHY L. JOAQUIN (Louis L. Johnson) 2. LORETTA LEWIS (Victoria Hobbs) | 135.45 135.45 | X X | | | |
| CHUKUT KUK 337.7 | 1. BILLMAN LOPEZ (Patricia Antone) 2. VIVIAN JUAN-SAUNDERS (Juanita Homer) | 168.85 168.85 | X X | | | |
| BABOQUIVARI 372.1 | 1. FRANCES MIGUEL (Roberta E. Harvey) 2. LEANDER MASE (Francine Schooling) | 186.05 186.05 | X X | | | |
| TOTAL | | 3,084.6 | 3,084.6 | -0- | -0- | [02] |



TOHONO O'ODHAM NATION
OFFICE OF THE
CHAIRMAN AND VICE CHAIRMAN

EDWARD D. MANUEL
CHAIRMAN

VERLON M. JOSE
VICE CHAIRMAN

O'ODHAM HA-WE:HEJED
"For the People"



BY HAND

April 17, 2018

The Honorable Timothy Joaquin
Legislative Chairman
Tohono O'odham Legislative Council
P.O. Box 837
Sells, Arizona 85634

Dear Legislative Chairman Joaquin:

Today, I vetoed Resolution No. 18-108, "Confirming the Interim Appointment of Representative Billman Lopez to the Community Development Financial Institution Board." While I am well aware of the ongoing struggles that many of the Tohono O'odham Nation's entities face to fill their vacant board positions, I have concluded that the resolution, while well-intentioned, is flawed and will fail to achieve its intended goals.

Legislative Council established the Community Development Financial Institution of the Tohono O'odham Nation ("CDFI") in 2004 as presumably an independent enterprise to facilitate the flow of lending and investment capital to distressed communities and to individuals who have been unable to take full advantage of the financial services industry. It designated the CDFI as an independent agency, meaning the agency's board members could not be fired by the Chairman for political reasons.

That set-up was intentional. We design independent agencies to be isolated from political influence for those organizations to better serve the public interest of the O'odham. For example, the Tohono O'odham Gaming Office, which regulates gaming activities, is an independent agency that is expected to carry out its mission apolitically.

Legislative Council's act of appointing an active councilmember to the CDFI board—even on an interim basis—directly contradicts the intents and purposes for establishing the CDFI as an independent agency. This CDFI set-up was intended to insulate the independent agency from executive and legislative influence and to allow for reasoned expert opinion to prevail over undue political pressures.

For these independent agencies to be independent from influence by the Chairman or the Legislative Council, they must remain isolated from political pressures.

While I understand the emerging need to appoint an interim board member, this goal must be achieved by our two branches of government while maintaining an apolitical stance. If CDFI is truly to be treated as an independent agency, it has the responsibility to recruit individuals to fill its vacant board positions as well as to recommend their nominations to the Chairman for confirmation by Legislative Council.

Contrary to the information expressed regarding my support of this resolution, I did not provide my consent for nor did I nominate any member of the Legislative Council to serve as an interim CDFI board member, as is required by Section 5.1.2 of the CDFI Charter. Nor would I support such a nomination as Legislative Council officials are expressly ineligible per Section 5.1.4. to be appointed as CDFI board members. The appointment of a councilmember to the CDFI board clearly violates the plain language of the CDFI Charter, along with several other laws.

For the reasons stated above, I vetoed the resolution. I look forward to putting this debate behind us to ensure that we continue to represent the best interests of the O'odham.

Sincerely,



Edward D. Manuel
Chairman