

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending Resolution No. 05-311, "Appropriating \$150,000 from the FY 2005 Surplus Revenue of the Executive Branch to the Future Boys & Girls Club of the Tohono O'odham Nation," to Authorize Transfer of Funds)

RESOLUTION NO. 05-495

- 1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power "to manage any**
2 **funds within the exclusive control of the Tohono O'odham Nation . . . and to**
3 **appropriate these funds for the benefit of the nation and its members. All**
4 **expenditures of these funds shall be pursuant to appropriations or budgets**
5 **authorized under resolutions or in accordance with ordinances of the Tohono**
6 **O'odham Council" (Constitution of the Tohono O'odham Nation, Article VI, Section**
7 **1(d)(2); and**
- 8 **WHEREAS, the Legislative Council previously enacted Resolution No. 05-080, which allocated and**
9 **appropriated FY 2005 General Revenue Surplus funds ("Surplus Funds") to the**
10 **Nation's three governmental branches and required that the appropriated Surplus**
11 **Funds could not be expended except in accordance with budgets approved by the**
12 **Legislative Council; and**
- 13 **WHEREAS, during the June 2005 Legislative Council general session, the Chairwoman of the**
14 **Tohono O'odham Nation requested that \$150,000 in Surplus Funds appropriated by**
15 **Resolution No. 05-080 to the Executive Branch be donated to the Boys and Girls Club**
16 **of the Tohono O'odham Nation Steering Committee as start-up funds; and**
- 17 **WHEREAS, while the Legislative Council appropriated the \$150,000 in one-time Surplus Funds**
18 **"to assist in establishing the Nation's Future Boys and Girls Club on the Tohono**
19 **O'odham Nation" in accordance with a budget for that purpose, the appropriation**
20 **was made "provided that any funds not expended before October 1, 2005 shall be**
21 **returned to the General Revenue Surplus account unless carryover is approved by**
22 **Legislative Council resolution" (Resolution No. 05-311); and**
- 23 **WHEREAS, no funds have been transferred to the Boys and Girls Club, in part, because there is**
24 **no mechanism for returning unexpended funds to the Nation from the Boys and Girls**
25 **Club, which is not an entity under the Nation's control; and**
- 26 **WHEREAS, it is therefore necessary to amend Resolution No. 05-311 to expressly authorize the**
27 **transfer, by the Tohono O'odham Nation Office of the Treasurer, of the \$150,000 in**
28 **Surplus Funds appropriated by Resolution No. 05-311 to the Boys and Girls Club of**
29 **Sells Bank of America checking account # 0046 5375 3768.**

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1 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council hereby amends
2 **Resolution No. 05-311 to authorize and direct the transfer, by the Tohono O'odham**
3 **Nation Office of the Treasurer, of \$150,000 in Surplus Funds appropriated by**
4 **Resolution No. 05-311 to the Boys and Girls Club of Sells Bank of America checking**
5 **account # 0046 5375 3768 to fund the Boys and Girls Club of Sells Annual Budget for**
6 **the period from February 1, 2005 to January 31, 2006.**

7 **BE IT FURTHER RESOLVED** that, as the Boys and Girls Club is not an entity established by the
8 **Nation or an entity whose funds are under the Nation's control, Resolution No. 05-311**
9 **is further amended by deleting the "Be it Finally Resolved" clause in that Resolution**
10 **and replacing it with the following clauses:**

11 **"BE IT FURTHER RESOLVED** that the \$150,000 in Surplus Funds
12 **appropriated pursuant to this Resolution shall be transferred to the**
13 **Boys and Girls Club of Sells for expenditure in accordance with the Boys**
14 **and Girls Club of Sells Annual Budget for the period from February 1,**
15 **2005 to January 31, 2006, which is hereby approved.**

16 **"BE IT FINALLY RESOLVED** that the Boys and Girls Club of Sells shall be
17 **ineligible to receive further funding from the Tohono O'odham Nation**
18 **unless it provides a financial report for the period from February 1,**
19 **2005 to January 31, 2006 to the Nation's Chairwoman, Treasurer, and**
20 **Legislative Council on or before April 3, 2006."**

22 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 14TH Day**
23 **of SEPTEMBER, 2005 at a meeting at which a quorum was present with a vote of 1,665.75 FOR; 514.3**
24 **AGAINST; 260.75 NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by**
25 **Section 1 (d)(2) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the**
26 **Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
27 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
28 **18, 1934 (48 Stat. 984).**

30 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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34 **Evelyn B. Juan Manuel, Legislative Chairwoman**

35
36 16 day of September, 2005
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1 ATTEST:
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6 **Lucille Lopez, Acting Legislative Secretary**

7 16th day of September, 2005.
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9 Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono
10 O'odham Nation on the 16 day of September, 2005 at 4:41 o'clock,
11 A..M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
12 effective upon her approval or upon her failure to either approve or disapprove it within 48 hours
13 of submittal.
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15 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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19 **Evelyn B. Juan Manuel, Legislative Chairwoman**

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23 APPROVED

on the 20th day of September, 2005

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25 DISAPPROVED

at 11:59 o'clock, A..M.

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29 **VIVIAN JUAN-SAUNDERS, CHAIRWOMAN**
30 **TOHONO O'ODHAM NATION**
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34 Returned to the Legislative Secretary on the 20th day of
35 September, 2005, at 12:30 o'clock, P..M.
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40 **Lucille Lopez, Acting Legislative Secretary**
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ACTION: AMENDING RESOLUTION NO. 05-311, "APPROPRIATING \$150,000 FROM THE FY 2005 SURPLUS REVENUE OF THE EXECUTIVE BRANCH TO THE FUTURE BOYS & GIRLS CLUB OF THE TOHONO O'ODHAM NATION," TO AUTHORIZE TRANSFER OF FUNDS

MOVED: VICE CHAIRMAN VERLON JOSE

SECOND: COUNCILWOMAN PHYLLIS JUAN

DATE: SEPTEMBER 14, 2005

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL ()	155.40	X			
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40		X		
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL ** (Louis L. Johnson)	110.80	X			
GU VO 193.1	1. RAYMOND VICTOR ()	96.55		X		
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			
HICKIWAN 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70			X	
	2. SANDRA ORTEGA ()	83.70			X	
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. JOHN W. LAWSON, SR. ()	84.50		X		X
	2. GLORIA RAMIREZ ()	84.50		X		
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			
	2. OLIVIA VILLEGAS-LISTON ()	96.90	X			
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X			
	2. PHYLLIS JUAN ()	73.45	X			
SELLS 421.0	1. DENNIS E. JOSE ()	210.50	X			
	2. EVELYN B. JUAN MANUEL ()	210.50	X			
SIF OIDAK 186.7	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35			X	
	2. DARLENE ANDREW (Rita Martinez)	93.35		X		
TOTAL		2,440.80	1,665.75	514.3	260.75	[01]

**PASSED VOTES