

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Transferring the Financial Management Function of the Schuk Toak District to the Tohono O'odham Nation and Authorizing and Directing the Chairwoman's Office and the Accounting Department to Provide Technical Assistance)

RESOLUTION NO. 06-215

1 **WHEREAS, pursuant to Article VI, Section 1(d)(2) of the Constitution of the Tohono O'odham**
2 **Nation, the Legislative Council is vested with the power to manage the Nation's funds**
3 **"and to appropriate these funds for the benefit of the nation and its members."; and**
4 **WHEREAS, the Legislative Council has established a formula for distributing its net gaming**
5 **revenues, including a percentage that has been designated as the "District**
6 **Allocation" to fund fiscal year budgets for each of the Nation's eleven Districts**
7 **(Resolution No. 94-098, as amended by Resolution No. 03-564); and**
8 **WHEREAS, pursuant to Resolution No. 95-397, "Reestablishing Guidelines for Expenditure of the**
9 **District Allocation of Gaming Revenues," the District Allocation "shall be apportioned**
10 **to the separate District accounts in accordance with the allocation formula**
11 **established by the Legislative Council"; and**
12 **WHEREAS, District funds that are apportioned to separate District accounts "shall be made**
13 **available for expenditure *subject to*" (1) District budgets approved in accordance**
14 **with the Nation's Constitution and Section 302 of Ordinance No. 93-01, Ordinance for**
15 **the Regulation of Gaming Activities Within the Tohono O'odham Nation ("Gaming**
16 **Ordinance") (2) "actual expenditures which have been budge[ted] for and expended**
17 **in compliance with" the Constitution and Gaming Ordinance, (3) an annual audit of**
18 **each District's books of accounts and activities, and (4) the establishment and**
19 **maintenance of a system of internal controls by the District (Resolution No. 95-397,**
20 **emphasis added); and**
21 **WHEREAS, pursuant to the Gaming Ordinance, the Tohono O'odham Nation-State of Arizona**
22 **Gaming Compact, and the Indian Gaming Regulatory Act, the Nation must ensure that**
23 **net gaming revenues, including revenues allocated to the Districts, are used**
24 **exclusively for one or more of the following purposes: (1) to fund government**
25 **operations or programs of the Nation or Districts; (2) to provide for the general**
26 **welfare of the Nation and its members; (3) to promote the Nation's economic**
27 **development; (4) to benefit charitable organizations providing services benefitting**

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1 the Nation or its members; (5) to help fund operations of local government agencies;
2 (6) to make per capita payments to enrolled members of the Nation, subject to
3 compliance with all applicable laws of the United States and the Nation (Gaming
4 Ordinance, Section 302; Compact, Section 16(d); 25 U.S.C. § 2710(b)(2)(B)); and

5 **WHEREAS,** although the Schuk Toak District FY 2006 Budget was approved by Resolution No. 05-
6 659, the District has failed to satisfy additional requirements of Resolution No. 95-397
7 and Schuk Toak District funds are therefore not "available for expenditure" by the
8 District; and

9 **WHEREAS,** in addition, members of the Schuk Toak District and its District Council have alleged
10 that District officials have made unauthorized credit card and other expenditures,
11 misused District funds for personal travel, failed to respond to the Nation's
12 Accounting Department, failed to make requested financial reports to District
13 Council, and otherwise committed acts of fiscal mismanagement; and

14 **WHEREAS,** as a result, members of the Schuk Toak District and District Council have requested
15 that the Nation take control of the Schuk Toak District's finances.

16 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council hereby
17 (1) transfers the financial management function of the Schuk Toak District, and
18 control of all Schuk Toak District funds, to the Tohono O'odham Nation, (2)
19 authorizes and directs the Nation's Accounting Department and the Office of the
20 Chairwoman to open accounts necessary to manage the District's finances and to
21 provide technical assistance to the Schuk Toak District in order to comply with the
22 financial policies, procedures, and laws of the Nation, including but not limited to the
23 requirements of Resolution No. 95-397.

24 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council authorizes and
25 directs the Chairwoman and any Nation's Executive Branch official or employee who
26 she designates in writing ("Chairwoman's Designee") to communicate directly with
27 the financial institutions at which the Schuk Toak District has financial accounts,
28 including but not limited to operating and investment accounts, and to obtain

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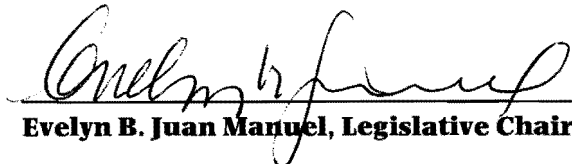
1 financial statements and records regarding such investments and operating
2 accounts.

3 **BE IT FURTHER RESOLVED** that Schuk Toak District Council, by resolution, may appoint a
4 member of the District who will act as contact person with the Legislative Council, the
5 Office of the Chairwoman, Chairwoman's Designee, the Office of the Treasurer, and
6 the Nation's Accounting Department to handle all matters related to the current
7 financial situation of the Schuk Toak District and such other matters consistent with
8 the provisions of this Resolution.

9 **BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that fiscal
10 management and control of the Schuk Toak District finances shall be returned to the
11 District (1) upon a request by District Council resolution and subject to (2)
12 compliance with the requirements of Resolution No. 95-397 and (3) approval by
13 Legislative Council resolution.

14 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 31ST day
15 of MARCH, 2006 at a meeting at which a quorum was present with a vote of 2,219.2 FOR; -0-
16 AGAINST; 221.6 NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by
17 Section 1 (d)(2) and(d)(3) of Article VI and Section 2 (c) of Article VII of the Constitution of the
18 Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and
19 approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986,
20 pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

21
22 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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26 Evelyn B. Juan Manuel, Legislative Chairwoman

27
28 31st day of March, 2006

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30 **ATTEST:**

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34 Lucille Lopez, Acting Legislative Secretary

35
36 31st day of March, 2006.
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Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'odham Nation on the 31st day of March, 2006 at 6:42 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 31 day of March, 2006

DISAPPROVED

at 6:41 o'clock, P.M.

**VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 31st day of

March, 2006, at 6:42 o'clock, P.M.

Lucille Lopez, Acting Legislative Secretary

ACTION: TRANSFERRING THE FINANCIAL MANAGEMENT FUNCTION OF THE SCHUK TOAK DISTRICT TO THE TOHONO O'ODHAM NATION AND AUTHORIZING AND DIRECTING THE CHAIRWOMAN'S OFFICE AND THE ACCOUNTING DEPARTMENT TO PROVIDE TECHNICAL ASSISTANCE

MOVED: COUNCILWOMAN FRANCES CONDE

SECOND: COUNCILWOMAN PHYLLIS JUAN

DATE: MARCH 31, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL ()	155.40	X			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			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			
	2. GLORIA RAMIREZ ()	84.50	X			
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90	X			
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X			
	2. PHYLLIS JUAN ()	73.45	X			
SELLS 421.0	1. MARLENE SARAFICIO-JUAN ()	210.50	X			
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	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	2,219.2	-0-	221.6	[02]

****PASSED VOTES**