

**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**

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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.**

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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).**

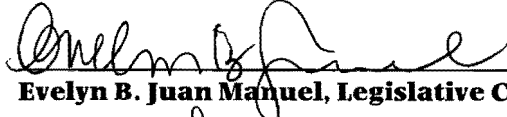
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TOHONO O'ODHAM LEGISLATIVE COUNCIL


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

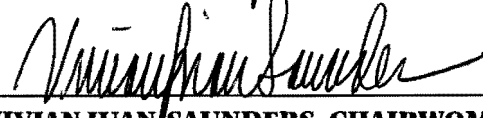

Evelyn B. Juan Manuel, Legislative Chairwoman

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

ACTION: DIRECTING DEVELOPMENT OF FINANCE CODE AND AUTHORIZING OFFICIALS TO SIGN NEGOTIABLE INSTRUMENTS ON THE NATION'S BEHALF

MOVED: VICE CHAIRMAN VERLON JOSE

SECOND: COUNCILMAN GERALD FAYUANT

DATE: JULY 12, 2006

| DISTRICT | LEGISLATIVE REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|-----------------------------|---|-----------------|----------------|---------------|--------------|-------------|
| BABOQUIVARI 310.8 | 1. FRANCES MIGUEL (<i>Absent</i>) (Vernon J. Smith) (<i>Present</i>) | 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 | | | 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 | | 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 (<i>Absent</i>) (Rita Martinez) (<i>Present</i>) | 93.35 | | X | | |
| TOTAL | | 2,440.80 | 1,589.0 | 758.45 | 93.35 | [02] |

**PASSED VOTES