

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Closing Schuk Toak District Offices)

RESOLUTION NO. 07-131

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 Nation has a duty to ensure that revenues, including revenues allocated to the**
5 **Districts, are used exclusively for purposes permitted by law; and**
6 **WHEREAS, although the Schuk Toak District FY 2007 Budget was approved by Legislative Council**
7 **resolution, the District has failed to satisfy audit, internal controls, and other**
8 **conditions set forth in the distribution formula and district allocation guidelines and**
9 **Schuk Toak District funds are therefore not "available for expenditure" by the**
10 **District (26 T.O.C. § 1304); and**
11 **WHEREAS, in addition, members of the Schuk Toak District and its District Council have alleged**
12 **that District officials have made unauthorized credit card and other expenditures,**
13 **misused District funds for personal travel, failed to respond to the Nation's**
14 **Accounting Department, failed to make requested financial reports to District**
15 **Council, and otherwise committed acts of fiscal mismanagement; and**
16 **WHEREAS, as a result, members of the Schuk Toak District and District Council requested that**
17 **the Nation take control of the Schuk Toak District's finances; and**
18 **WHEREAS, by Resolution No. 06-215, the Legislative Council (1) transferred the financial**
19 **management function of the Schuk Toak District, and control of all Schuk Toak**
20 **District funds, to the Tohono O'odham Nation, (2) authorized and directed the**
21 **Nation's Accounting Department and the Office of the Chairwoman to open accounts**
22 **necessary to manage the District's finances and to provide technical assistance to the**
23 **Schuk Toak District in order to comply with the financial policies, procedures, and**
24 **laws of the Nation, including but not limited to the requirements of Resolution No. 95-**
25 **397; and**
26 **WHEREAS, the Legislative Council also authorized and directed the "Chairwoman and any**
27 **Nation's Executive Branch official or employee who she designates in writing**
28 **("Chairwoman's Designee") to communicate directly with the financial institutions**
29 **at which the Schuk Toak District has financial accounts, including but not limited to**
30 **operating and investment accounts, and to obtain financial statements and records**
31 **regarding such investments and operating accounts."**

1 **WHEREAS, despite the transfer of authority over Schuk Toak District finances to the Nation, the**
2 **Schuk Toak District Chairman has refused to take actions necessary to confirm the**
3 **Nation's control over District funds invested by Wachovia Securities or to provide**
4 **statements to the Nation; and**

5 **WHEREAS, Wachovia Securities has likewise declined to meet with the Nation's representatives,**
6 **to provide account information requested by the Nation's Chairwoman, or to transfer**
7 **control over the Schuk Toak funds at Wachovia as authorized by Resolution No. 06-**
8 **215.**

9 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that the**
10 **Schuk Toak District offices, buildings, and storage units are hereby closed effective**
11 **immediately and shall remain closed until the following conditions are met:**

12 **(1) control of the Schuk Toak District funds at Wachovia Securities is fully**
13 **transferred to the Tohono O'odham Nation;**

14 **(2) the Schuk Toak District Council appoints a member of the District who will act**
15 **as contact person with the Legislative Council, the Office of the Chairperson,**
16 **Chairperson's Designee, the Office of the Treasurer, and the Nation's Accounting**
17 **Department to handle all matters related to the current financial situation of the**
18 **Schuk Toak District and such other matters consistent with the provisions of this**
19 **resolution; and**

20 **(3) the Nation's Chairperson certifies that the conditions provided in this resolution**
21 **and Resolution No. 06-215 have been met, necessary records have been secured, and**
22 **there is no further need to close the District offices, buildings, and storage units.**

23 **BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that during the**
24 **closure, the District's staff and elected officials shall continue to be paid salaries or**
25 **per diem and that requests for financial assistance (e.g., burial assistance, emergency**
26 **requests, etc.) shall be approved by the District Council's contact person and**
27 **processed through the Nation's Accounting Department.**

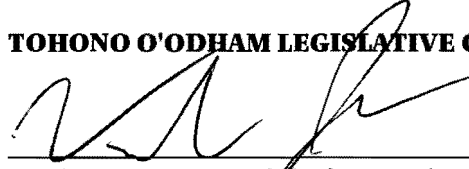
28 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that nothing in this**
29 **resolution shall be construed to prevent the District Council from holding meetings**
30 **or otherwise exercising its lawful authority except that the Nation shall retain control**
31 **of the District's finances, accounts, and all related records.**

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06TH Day of MARCH, 2007 at a meeting at which a quorum was present with a vote of 2,440.80 FOR; -0- AGAINST; -0- NOT VOTING; and 02 ABSENT, pursuant to the powers vested in the Council by Section 1 (d)(2) and (d)(3) of Article VI 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).

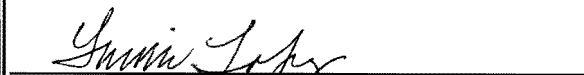
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Verlon M. Jose, Legislative Chairman

6 day of March, 2007

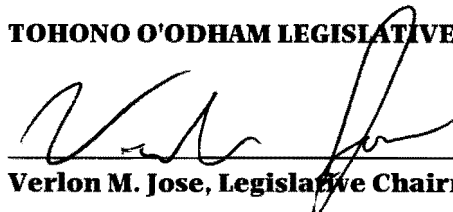
ATTEST:


Lucille Lopez, Acting Legislative Secretary

06 day of March, 2007.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 6 day of March, 2007 at 5:30 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



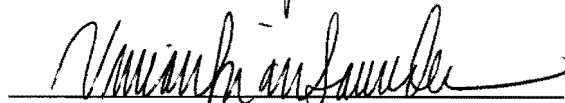
Verlon M. Jose, Legislative Chairman

APPROVED

on the 6 day of March, 2007

DISAPPROVED

at 5:46 o'clock, P.M.


VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

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(Closing Schuk Toak District Offices)
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Returned to the Legislative Secretary on the 06 day of
March, 2007, at 5:50 o'clock, P.M.



Lucille Lopez, Acting Legislative Secretary

ACTION: CLOSING SCHUK TOAK DISTRICT OFFICES

MOVED: COUNCILWOMAN PHYLLIS JUAN

SECOND: COUNCILWOMAN FRANCES CONDE

DATE: MARCH 06, 2007

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL (Vernon J. Smith)	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. SHIRLEY SANTOS-MOLINA ()	83.70	X			
	2. SANDRA ORTEGA ()	83.70	X			X
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. LORRAINE EILER ()	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 ROMERO (Isidro Lopez)	93.35	X			X
	2. DARLENE ANDREW (Rita Wilson)	93.35	X			
TOTAL		2,440.80	2,440.80	-0-	-0-	[02]

**PASSED VOTES