

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Repealing Resolution No. 06-215, 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," and Returning Financial Management Authority to the Schuk Toak District)

RESOLUTION NO. 09-205

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 Allocation"**
6 **to fund fiscal year budgets for each of the Nation's eleven Districts (26 Tohono**
7 **O'odham Code, Chapter 1, Article 3, Section 1301); and**

8 **WHEREAS, the District Allocation "shall be apportioned to the separate District accounts in**
9 **accordance with the allocation formula established by the Legislative Council and**
10 **shall be made available for expenditure subject to"**

11 **(1) District budgets approved in accordance with the Nation's Constitution and**
12 **Section 302 of Ordinance No. 93-01, Ordinance for the Regulation of Gaming**
13 **Activities Within the Tohono O'odham Nation ("Gaming Ordinance")**

14 **(2) "actual expenditures which have been budgeted for and expended in compliance**
15 **with" the Constitution and Gaming Ordinance,**

16 **(3) an annual audit of each District's books of accounts and activities, and**

17 **(4) the establishment and maintenance of a system of internal controls by the District.**
18 **(26 Tohono O'odham Code Section 1304); and**

19 **WHEREAS, pursuant to the Gaming Ordinance, the Tohono O'odham Nation-State of Arizona**
20 **Gaming Compact, and the Indian Gaming Regulatory Act, the Nation must ensure that**
21 **net gaming revenues, including revenues allocated to the Districts, are used**
22 **exclusively for one or more of the following purposes: (1) to fund government**
23 **operations or programs of the Nation or Districts; (2) to provide for the general welfare**
24 **of the Nation and its members; (3) to promote the Nation's economic development; (4)**
25 **to benefit charitable organizations providing services benefitting the Nation or its**
26 **members; (5) to help fund operations of local government agencies; (6) to make per**
27 **capita payments to enrolled members of the Nation, subject to compliance with all**
28 **applicable laws of the United States and the Nation (Gaming Ordinance, Section 302;**

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1 Compact, Section 16(d); 25 U.S.C. § 2710(b)(2)(B)); and

2 **WHEREAS, at the request of Schuk Toak District members and the Schuk Toak District Council,**
3 **in 2006 the Legislative Council**

4 **(1) transferred "the financial management function of the Schuk Toak District, and**
5 **control of all Schuk Toak District funds, to the Tohono O'odham Nation," and**

6 **(2) authorized and directed "the Nation's Accounting Department and the Office of the**
7 **Chairwoman to open accounts necessary to manage the District's finances and to**
8 **provide technical assistance to the Schuk Toak District in order to comply with the**
9 **financial policies, procedures, and laws of the Nation, including but not limited to**
10 **the requirements of Resolution No. 95-397."**

11 **(Legislative Council Resolution No. 06-215); and**

12 **WHEREAS, Resolution No. 06-215 further provides that "fiscal management and control of the**
13 **Schuk Toak District finances shall be returned to the District (1) upon a request by**
14 **District Council resolution and subject to (2) compliance with the requirements of**
15 **Resolution No. 95-397 and (3) approval by Legislative Council resolution."** and

16 **WHEREAS, the Schuk Toak District Council, by Resolution No. ST-10-28-08-99, has requested that**
17 **the Nation return financial management functions to the District; and**

18 **WHEREAS, the Nation's Executive Branch has worked with the Schuk Toak District over the past**
19 **three years to improve financial management of District funds and the District has**
20 **made substantial efforts to comply with the requirements of Resolution No. 95-397 as**
21 **codified at 26 T.O.C. Sections 1302-1306; and**

22 **WHEREAS, the Schuk Toak District did not have control over the management of its finances and**
23 **therefore could not fully comply with the requirements of 26 Tohono O'odham Code**
24 **Section 1304 to (1) undergo an annual audit of its books of accounts and activities and**
25 **(2) maintain a system of internal controls; and**

26 **WHEREAS, the Schuk Toak District, with assistance from the Nation's Executive Branch and the**
27 **Nation's Treasurer, has made significant efforts to develop financial policies and**
28 **procedures to create a framework for internal controls and the Executive Branch has**
29 **reviewed and approved the District's annual audit policy statement.**

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1 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council hereby repeals

2 **Resolution No. 06-215 and returns fiscal management and control of Schuk Toak**
3 **District finances, including signature authority over the District's bank accounts, to**
4 **the District; provided that the Nation's Treasurer shall certify in writing to the Nation's**
5 **Chairperson and the Legislative Council not later than June 1, 2010 whether:**

- 6 **(1) the District's financial policies and procedures for internal controls have been**
7 **fully implemented; and**
8 **(2) the District's books of accounts and activities have been audited by the**
9 **independent certified public accountants retained by the Nation as required by 26**
10 **T.O.C. Section 1305; and**
11 **(3) the District has otherwise complied with the requirements of the Nation's**
12 **Constitution and laws, including 26 T.O.C. Sections 1302-1306.**

13 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 17TH, Day**
14 **of APRIL, 2009 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0- AGAINST;**
15 **-0- NOT VOTING; and [05]ABSENT, pursuant to the powers vested in the Council by Section 1 (d)(2)**
16 **of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham**
17 **Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs**
18 **(Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

20 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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24 **Verlon M. Jose, Legislative Chairman**

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26 29th day of April, 2009

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29 **ATTEST:**

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32 _____
33 **Evonne Wilson, Legislative Secretary**

34
35 17 day of April, 2009.

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 29th day of April, 2009 at 1:01 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

Felicia Nunez for
Verlon M. Jose, Legislative Chairman

APPROVED

on the 30 day of April, 2009

DISAPPROVED

at 11:23 o'clock, A.M.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 30th day of April, 2009, at 12:14 o'clock, P.M.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: REPEALING RESOLUTION NO. 06-215, 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," AND RETURNING FINANCIAL MANAGEMENT AUTHORITY TO THE SCHUK TOAK DISTRICT

MOVED: COUNCILWOMAN FRANCES CONDE

SECOND: COUNCILWOMAN PHYLLIS CACHORA

DATE: APRIL 17, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (<i>Absent</i>) (Vernon Smith) (<i>Present</i>)	158.45	X			
CHUKUT KUK 264.8	1. ETHEL GARCIA ()	132.40	X			
	2. VERLON M. JOSE ()	132.40	X			X
GU ACHI 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ()	113.95	X			X
GU VO 199.2	1. GRACE MANUEL ()	99.60	X			
	2. RAYMOND VICTOR ()	99.60	X			X
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00	X			X
	2. SANDRA ORTEGA (Louie Lopez)	86.00	X			
PISINEMO 182.4	1. CHESTER ANTONE (Tony Murrietta)	91.20	X			
	2. GERALD FAYUANT ()	91.20	X			
SAN LUCY 181.1	1. LORRAINE EILER ()	90.55	X			
	2. GLORIA RAMIREZ ()	90.55	X			
SAN XAVIER 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			
SCHUK TOAK 154.6	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
SELLS 444.7	1. KIMBERLY LISTO ()	222.35	X			
	2. EVELYN B. JUAN MANUEL ()	222.35	X			X
SIF OIDAK 194.4	1. WAVALENE ROMERO ()	97.20	X			
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	2,534.5	-0-	-0-	[05]

****PASSED VOTES**