

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Ratifying and Authorizing the Tohono O'odham Nation's Administrative
Assessment of the Tohono O'odham Farming Authority)**

RESOLUTION NO. 22-180

- 1 **WHEREAS,** **the Tohono O'odham Legislative Council is authorized to exercise fiscal powers**
2 **“to prevent the use, disposition or encumbrance of fiscal assets of the Tohono**
3 **O'odham Nation” (Constitution of the Tohono O'odham Nation, Article VI, Section**
4 **1(d)(1)); and**
- 5 **WHEREAS,** **the Tohono O'odham Legislative Council is also authorized to “administer land**
6 **and other public property, and by law, ordinance or resolution ... (2) to manage,**
7 **protect, preserve and regulate the use of the property ... of the Tohono O'odham**
8 **Nation” (Constitution of the Tohono O'odham Nation, Article VI, Section 1(i)(2));**
9 **and**
- 10 **WHEREAS,** **the Nation has established the Tohono O'odham Farming Authority (“TOFA”) as a**
11 **wholly-owned, for-profit Nation's enterprise to “foster, encourage and promote**
12 **the economic development and general welfare of the Tohono O'odham Nation**
13 **and its members by utilization of the agricultural resources of the Nation” (TOFA**
14 **Second Restated Plan of Operation, 2 T.O.C. Chapter 1, Section 3.1.1.); and**
- 15 **WHEREAS,** **TOFA is currently authorized to operate the San Lucy, Schuk Toak, and Vaiva Vo**
16 **Farms on behalf of the Nation; and**
- 17 **WHEREAS,** **the TOFA Management Board “shall exercise full authority and shall be**
18 **responsible for the custody, management and operation of all of the Nation's**
19 **agricultural activities, including but not limited to all farms and farming**
20 **property and facilities set aside therefor by the Tohono O'odham Legislative**
21 **Council” (TOFA Second Restated Plan of Operation, 2 T.O.C. Chapter 1, Section**
22 **4.20.1); and**
- 23 **WHEREAS,** **“the books and records of TOFA, including current financial and operating**
24 **statements, shall be kept on file in the office of the Authority and shall be**
25 **available for inspection at all reasonable times by authorized representatives of**
26 **the Tohono O'odham Nation” (TOFA Second Restated Plan of Operation, 2 T.O.C.**
27 **Chapter 1, Section 8.5); and**
- 28 **WHEREAS,** **by Resolution No. 22-109, the Tohono O'odham Legislative Council designated the**
29 **Nation's treasurer as an authorized representative of the Nation with authority to**
30 **request and inspect all books and records of TOFA, including but not limited to**
31 **current financial and operating statements; and**
32

RESOLUTION NO. 22-180

(Ratifying and Authorizing the Tohono O'odham Nation's Administrative Assessment of the Tohono O'odham Farming Authority)

Page 2 of 4

- 1 **WHEREAS,** pursuant to Legislative Council Resolution No. 22-109, the Nation's treasurer
2 requested and reviewed TOFA's books and records and reported to TOFA's
3 Management Board financial and operational concerns related to management
4 practices; and
- 5 **WHEREAS,** the TOFA Management Board, acting in the best interests of TOFA, formally
6 discharged TOFA management effective May 3, 2022; and
- 7 **WHEREAS,** together with dismissal of management, the TOFA Management Board, through
8 Management Board Resolution No. 22-007, requested further assistance from the
9 Nation's Treasury Department to conduct an administrative assessment and
10 investigation of TOFA's books, records and statements; and
- 11 **WHEREAS,** to preserve the integrity of any sensitive information and protect TOFA property,
12 the Nation's Treasury Department commenced its administrative assessment
13 and investigation on April 29, 2022 when notice of dismissal was presented to
14 TOFA management, and to date, the Department's assessment and investigation
15 are still ongoing; and
- 16 **WHEREAS,** it is the Nation's policy to identify and promptly investigate any possibility of
17 suspected fraud or related dishonest activities against the Nation and/or Districts
18 (26 T.O.C. Chapter 1, Article 5, Section 1503(A)); and
- 19 **WHEREAS,** the Nation's Fraud Policy (26 T.O.C. Chapter 1, Article 5) enables an internal
20 auditor, assigned by the Nation's Chairperson, to "investigate any suspected
21 fraud or similar activity" (26 T.O.C. Chapter 1, Article 5, Section 1503(A)); and
- 22 **WHEREAS,** the Nation's Fraud Policy applies to Nation employees, District employees and all
23 Nation and District Elected and Appointed Officials but does not generally extend
24 to Nation's enterprises like TOFA; and
- 25 **WHEREAS,** the Nation's best interests will be served by: (1) ratifying the administrative
26 assessment and investigation by the Nation's Treasury Department commencing
27 April 29, 2022; (2) authorizing the continued assessment and investigation until
28 deemed concluded by the Nation's treasurer; (3) extending the authority of an
29 internal auditor of the Nation to conduct the TOFA assessment and investigation,
30 including to perform the functions of the internal auditor that are stated under
31 the Nation's Fraud Policy ; (4) authorizing the Nation's treasurer and internal
32 auditor to report findings to TOFA's Management Board and Legislative Council
33 Agricultural and Natural Resources and Budget and Finance Committees upon

RESOLUTION NO. 22-180

(Ratifying and Authorizing the Tohono O'odham Nation's Administrative Assessment of the Tohono O'odham Farming Authority)

Page 3 of 4

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the conclusion of the investigation to allow the Committees to develop further legislation they determine necessary.

NOW THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council ratifies the administrative assessment and investigation commenced by the Nation's Treasury Department on April 29, 2022.

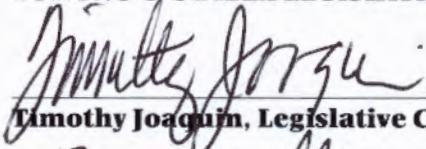
BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council authorizes the Nation's Treasury Department to continue its assessment and investigation of TOFA until deemed concluded by the Nation's treasurer.

BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council extends the authority of an internal auditor of the Nation to conduct the TOFA assessment and investigation, including to perform the functions of the internal auditor that are stated under the Nation's Fraud Policy.

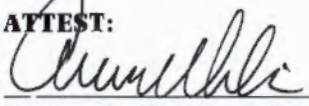
BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council directs the Nation's treasurer and internal auditor to report investigation findings to the TOFA Management Board and Legislative Council Agricultural and Natural Resources and Budget and Finance Committees.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13TH day of MAY, 2022 at a meeting at which a quorum was present with a vote of 3,218.0 FOR; -0- AGAINST; -0- NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(d)(1), 1(e), and 1(i)(2) 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



Timothy Joaquin, Legislative Chairman
17 day of May, 2022

ATTEST:


Evonne Wilson, Legislative Secretary
15 day of May, 2022

RESOLUTION NO. 22-180

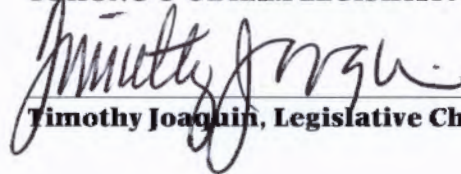
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Page 4 of 4

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 17 day of May, 2022 at 8:49 o'clock, a .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



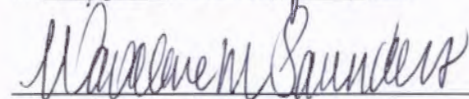
Timothy Joaquin, Legislative Chairman

APPROVED

on the 17th day of May, 2022

DISAPPROVED

at 3:00 o'clock, p .m.



NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 17 day of

May, 2022, at 3:47 o'clock, p .m.



Evonne Wilson, Legislative Secretary

ACTION: RATIFYING AND AUTHORIZING THE TOHONO O'ODHAM NATION'S ADMINISTRATIVE ASSESSMENT OF THE TOHONO O'ODHAM FARMING AUTHORITY

MOVED: COUNCILWOMAN MARY LOPEZ

SECOND: COUNCILWOMAN TERESA F. DONAHUE

DATE: MAY 13, 2022

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 245.6	1. MARY LOPEZ (Ann M. Garcia)	122.8	X			
	2. LUCINDA ALLEN (Francis Homewytewa)	122.8	X			
SELLS 556.5	1. ARTHUR WILSON ()	278.25	X			X
	2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25	X			
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza)	95.25	X			
	2. DELISA M. RAMON (Sharon A. Francisco)	95.25	X			
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	121.3	X			
	2. JANICE FELIX (Adam P. Andrews)	121.3	X			
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eiler)	121.9	X			
	2. ROGER MANUEL (Christina Andrews)	121.9	X			X
PISINEMO 232.7	1. MARIETTA MARTIN ()	116.35	X			
	2. EDWARD D. MANUEL (Monica Morgan)	116.35	X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ ()	108.3	X			
	2. DELMA M. GARCIA ()	108.3	X			
GU VO 270.7	1. GRACE MANUEL ()	135.35	X			
	2. CYNTHIA SAAVEDRA (Dallas Lewis)	135.35	X			X
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN ()	139.25	X			
	2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25	X			
CHUKUT KUK 351.6	1. MARLAKAY HENRY (Billman Lopez)	175.8	X			X
	2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8	X			
BABOQUIVARI 388.9	1. ALBERTA J. RAY <i>(Absent)</i> (Frances G. Antone) <i>(Present)</i>	194.45	X			X
	2. LEANDER MASE (Francine Schooling)	194.45	X			
	TOTAL	3,218.0	3,218.0	-0-	-0-	[05]