

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending Charter of the Community Development Financial Institution,
Article V, Section 5.3.3.)

DEFEATED
RESOLUTION NO. 22-383

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Tohono O'odham
2 Legislative Council with the authority to "authorize, charter and regulate public
3 or private corporations and associations" and to "provide for, appoint, or provide
4 for the appointment of, and prescribe the duties and powers of committees,
5 boards, officers and agents" (Constitution, Article VI, Section 1(e) and 1(b)); and

6 **WHEREAS,** by Resolution No. 04-103, the Tohono O'odham Legislative Council adopted the
7 Charter of the Community Development Financial Institution of the Tohono
8 O'odham Nation (the "Charter"), establishing the Community Development
9 Financial Institution ("CDFI") as an enterprise of the Tohono O'odham Nation and
10 the CDFI Board of Directors ("CDFI Board") (Charter, 10 Tohono O'odham Code
11 Chapter 2); and

12 **WHEREAS,** the Charter provides that the CDFI Board consists of five Directors who serve
13 staggered three-year terms and hold office until they are either reappointed, or
14 their successors are appointed and qualified (Charter, Article V, Sections 5.1.1.
15 and 5.1.6.); and

16 **WHEREAS,** the Charter further provides that three Directors "shall constitute a quorum of
17 the Board for transaction of any business" (Charter, Article V, Section 5.3.3.); and

18 **WHEREAS,** the CDFI Board currently has two Directors with expired terms who continue to
19 hold office until they are either reappointed or their successors are appointed
20 and qualified (Charter, Article V, Section 5.1.6.); and

21 **WHEREAS,** with only two Directors, the CDFI Board cannot achieve a quorum to conduct
22 official business and oversee the operations and services provided by the CDFI to
23 the Tohono O'odham Nation's members; and

24 **WHEREAS,** the Commerce Committee recommends temporarily amending the first sentence
25 of Section 5.3.3. of the Charter to adjust the CDFI Board quorum as follows:

26 **5.3.3. Quorum; Board Action.** The presence at any meeting of two (2) Directors
27 shall constitute a quorum of the Board for transaction of any business.

28 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council:

- 29 (1) amends the first sentence of Section 5.3.3. of the Charter of the Community
30 Development Financial Institution of the Tohono O'odham Nation, 10
31 Tohono O'odham Code Chapter 2, to provide as follows:
32

5.3.3. **Quorum; Board Action.** The presence at any meeting of two (2) Directors shall constitute a quorum of the Board for transaction of any business.

; and

(2) provides that any amendment made by this resolution shall expire, and the provisions of Section 5.3.3. in effect prior to the effective date of this resolution shall be restored, immediately upon the nomination and confirmation of three or more Directors in accordance with the provisions of the Charter.

The foregoing Resolution was defeated by the Tohono O'odham Legislative Council on the 14TH day of OCTOBER, 2022 at a meeting at which a quorum was present with a vote of 731.4 FOR; 2,486.6 AGAINST; [02] NOT VOTING and [02] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(c) and Section 1(b) 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

19th day of October, 2022

ATTEST:


Evonne Wilson, Legislative Secretary

19 day of October, 2022

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

ACTION: AMENDING CHARTER OF THE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION, ARTICLE V, SECTION 5.3.3.

MOVED: COUNCILMAN DANIEL L.A. PRESTON

SECOND: COUNCILWOMAN GRACE MANUEL

DATE: OCTOBER 14, 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 (<i>Absent</i>) (Sheila Espino) (<i>Present</i>)	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 (<i>Absent</i>) (Lorraine M. Eiler) (<i>Present</i>)	121.9		X		
	2. ROGER MANUEL (Christina Andrews)	121.9		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	
GUACHI 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 (<i>Absent</i>) (Billman Lopez) (<i>Present</i>)	175.8		X		X
	2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8		X		
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone)	194.45		X		
	2. LEANDER MASE (Francine Schooling)	194.45		X		
TOTAL		3,218.0	731.4	2,486.6	[02]	[02]