

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Transferring Sells District Financial Management Functions and Control of**  
**the Expenditure of Funds to the Tohono O'odham Nation)**

**RESOLUTION NO. 25-221**

1   **WHEREAS,**     **the Constitution of the Tohono O'odham Nation vests the Legislative Council with**  
2                   **the fiscal powers to “prevent the use, disposition or encumbrance of fiscal assets**  
3                   **of the Tohono O'odham Nation,” “manage any funds within the exclusive control**  
4                   **of the Tohono O'odham Nation . . . and to appropriate these funds for the benefit**  
5                   **of the nation and its members” (Constitution, Article VI, Section 1(d)(1) and (d)(2));**  
6                   **and**  
7   **WHEREAS,**     **pursuant to Article IX, Section 7 of the Constitution of the Tohono O'odham**  
8                   **Nation, “[n]o district council shall expend district funds except pursuant to**  
9                   **budgets authorized under resolutions of the district council and approved by the**  
10                  **Tohono O'odham Council”; and**  
11   **WHEREAS,**     **16 T.O.C. Chapter 1 - Regulation of Gaming Activities (the “Gaming Ordinance”),**  
12                   **the Tohono O'odham Nation-State of Arizona Amended and Restated Gaming**  
13                   **Compact, and the Indian Gaming Regulatory Act require the Nation to ensure that**  
14                   **net gaming revenues, including revenues allocated to districts, are used**  
15                   **exclusively to fund government operations or programs or for another of the**  
16                   **specific purposes authorized by law (Gaming Ordinance, Section 302; Compact,**  
17                   **Section 16(d); 25 U.S.C. § 2710(b)(2)(B)); and**  
18   **WHEREAS,**     **the Legislative Council is vested with substantial control over the Nation's 11 local**  
19                   **district governments, and it may by ordinance change district boundaries, create**  
20                   **a district, or disestablish a district (Constitution, Article IX, Section 2); and**  
21   **WHEREAS,**     **the districts “are organizations of fairly limited power and authority which may**  
22                   **act only under the supervision of the Tohono O'odham Council” and a district**  
23                   **may not expend district funds without a budget authorized by district council**  
24                   **resolution and approved by the Legislative Council (*Juan v. Juan*, 2 TOR3d 62**  
25                   **(Trial Ct., Jan. 27, 2000) *appeal dismiss'd*, 3 TOR3d 1 (Jan. 4, 2005); Constitution,**  
26                   **Article IX, Section 7); and**  
27   **WHEREAS,**     **the Tohono O'odham Judicial Court has recognized that even after distributing**  
28                   **funds to a district, the Nation has an ongoing fiduciary obligation to ensure that**  
29                   **district funds are expended under valid authority, including by “insuring that**  
30                   **funds are expended only by authorized officials of the District.” (*Angela Ortiz &***  
31                   ***Frances Ruiz v. Charlene Montana, et al; consolidated with Tohono O'odham***  
32                   ***Nation v. Gu-Vo Governing Council*, 3 TOR3d 34, 36 (Ct.App., Aug. 24, 2011)); and**

**RESOLUTION NO. 25-221**

**(Transferring Sells District Financial Management Functions and Control of the Expenditure of Funds to the Tohono O'odham Nation)**

**Page 2 of 6**

1 **WHEREAS, the Nation elects to allocate gaming, mining, leasing, and other revenues to fund**  
2 **district government budgets, and the allocations of Nation's funds are the**  
3 **primary sources of funding for Sells District operations; and**

4 **WHEREAS, the Nation has conditioned its annual allocation of Nation's gaming revenues to**  
5 **districts on annual audits, internal controls, and other measures, including**  
6 **district "budgets approved in accordance with Article VI, Section 1(d)(2) of the**  
7 **Nation's Constitution and Section 302 of the Gaming Ordinance" (Section 1304(A)**  
8 **of 26 T.O.C. Chapter 1); and**

9 **WHEREAS, Section 1306 – Internal Controls requires each district to "establish and maintain**  
10 **a system of internal controls to safeguard assets, check the accuracy and**  
11 **reliability of accounting data, and promote operational efficiency. Such system**  
12 **of internal controls must provide for an appropriate segregation of functional**  
13 **responsibilities and sound practices to be followed in the performance of those**  
14 **duties by competent and qualified personnel." (26 T.O.C. Chapter 1); and**

15 **WHEREAS, District internal controls must ensure, in part, "(B) reliability of financial**  
16 **records; (C) execution of transactions in accordance with the District Council's**  
17 **general or specific authorization; (D) recording of transactions as necessary to**  
18 **permit recording of revenue and to maintain accountability for assets; [and] (E)**  
19 **access to assets only in accordance with the lawful authorization of District**  
20 **Council" (Section 1306 of 26 T.O.C. Chapter 1); and**

21 **WHEREAS, the Sells District has failed to implement mandatory internal controls or to**  
22 **maintain reliable financial records, record transactions, maintain**  
23 **accountability for finances, and limit access to assets in accordance with lawful**  
24 **authorization; and**

25 **WHEREAS, the independent auditor preparing records for the Sells District FY 2023 audit**  
26 **required by Section 1304 has reported more than \$260,000.00 in unrecorded**  
27 **debit card transactions by four Sells District officials in FY 2023 alone; and**

28 **WHEREAS, a former Sells District chairman continues to have access to and control over**  
29 **certain District bank accounts two years after leaving office; and**

30 **WHEREAS, the Sells District Council, in violation of the Nation's Constitution and Elections**  
31 **law, has unlawfully transferred duties of the elected District chairman to an**  
32 **unelected District secretary, including to preside over Sells District Council**  
33 **meetings and assume authority over the District's administration and finances**  
34 **(Sells District Council Resolution No. SD-85-25); and**

**RESOLUTION NO. 25-221**

**(Transferring Sells District Financial Management Functions and Control of the Expenditure of Funds to the Tohono O'odham Nation)**

**Page 3 of 6**

**WHEREAS, the Budget and Finance Committee recommends that the Nation assume control of the Sells District's finances and accounts pending the completion of necessary audits, any financial and other investigations, and additional measures to protect the Nation's financial resources.**

**NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council transfers to the Nation all financial management functions of the Sells District, control of and access to all Sells District funds and accounts, and the authority to expend the Sells District's funds, including in accordance with the following budgets, as amended or modified, (collectively "Sells District Budgets"):**

- (1) FY 2025 Sells District Administration and Community Budgets,**
- (2) FY 2025 Sells District Economic Development Board,**
- (3) FY 2025 Sells District Economic Development Board Renovation Budget,**
- (4) FY 2022-2027 Sells District American Rescue Plan Act Budget Amendment No. 1 to Extend Budget Period, and**
- (5) any other Legislative Council-approved Sells District;**

**provided that any Legislative Council resolutions approving or amending the Sells District Budgets are amended in accordance with the terms of this Resolution.**

**BE IT FURTHER RESOLVED by the Legislative Council that the Nation's payments of budgeted Sells District expenditures shall be paid from the Sells District's August 2025 District Allocation pending the Nation's assumption of control of District's accounts; provided that such amounts shall be reported in writing to the Budget and Finance Committee and Sells District Council.**

**BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that:**

- (1) Ge Oidag Community, Sells Community, Kawulk Community, and North Community are authorized to expend funds within their respective budgets approved by the Sells District Council and Legislative Council; and**
- (2) the Sells District enterprises are authorized to maintain control of enterprise funds and accounts that are segregated from other District funds and accounts and to operate and expend funds that are authorized by validly approved budgets.**

**BE IT FURTHER RESOLVED that the Tohono O'odham Legislative Council authorizes and directs the Nation's Accounting Office and Treasurer's Office to open any accounts**

**RESOLUTION NO. 25-221**

**(Transferring Sells District Financial Management Functions and Control of the Expenditure of Funds to the Tohono O'odham Nation)**

**Page 4 of 6**

necessary to manage the Sells District's finances and to provide technical assistance to the Sells District in order to comply with the Constitution of the Tohono O'odham Nation, all applicable laws, internal controls, financial and other applicable policies, procedures, and this Resolution.

**BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council authorizes the Nation's chairperson, the Nation's attorney general, and any Nation's Executive Branch official or employee whom the Nation's chairperson designates in writing to communicate directly with the financial institutions at which the Sells District has financial accounts, including but not limited to operating and investment accounts, and to obtain control of such accounts as well as financial statements and records regarding such investments and operating accounts.

**BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that, notwithstanding any Nation's law or resolution to the contrary, if the Sells District does not transfer control of the Sells District's funds and financial management functions to the Nation, and allow only lawfully authorized District officials to discharge the duties of their offices, no further distributions or allocations of gaming revenue, mining royalties, or other funds shall be made available for expenditure for the Sells District until:

- (1) the Nation's treasurer certifies in writing that control of all Sells District funds has been transferred to the Nation; provided that the treasurer shall provide a weekly update to the Nation's chairperson and Budget and Finance Committee reporting the District's compliance with this provision, and
- (2) the Nation's attorney general issues an opinion that only lawfully authorized Sells District officials are serving the capacity of, and, based on available information, are discharging the duties of District chairperson, vice chairperson, treasurer, and secretary.

**BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that the actions taken by Executive Branch officials, appointed officers, and staff, and by the attorney general, in accordance with this Resolution shall be reported to the Budget and Finance Committee monthly and upon the Committee's request and shall be reported to the Legislative Council in closed session quarterly.

**BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that nothing in this Resolution waives any civil or criminal liability of any person or entity, whether

**RESOLUTION NO. 25-221**

**(Transferring Sells District Financial Management Functions and Control of the Expenditure of Funds to the Tohono O'odham Nation)**

**Page 5 of 6**

or not currently established or identified, or waives any obligation to produce records and information.

**BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that, notwithstanding any Nation's law or resolution to the contrary, the provisions of this Resolution are not severable and if any word, clause, phrase, or other provision (collectively, "provision") of this Resolution or its application to any person or circumstance is held invalid by a court of competent jurisdiction, (1) the Legislative Council's approval of the Sells District Budgets shall be invalid, and (2) any authority to expend funds under the Sells District Budgets shall be terminated.**

**The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 28<sup>TH</sup> day of JULY, 2025 at a meeting at which a quorum was present with a vote of 3,321.1 FOR; -0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article V, Section 1; Article VI, Section 1; Article VI, Section 1(d)(1), (d)(2), (d)(3), and (e); Article VII, Section 2(c) and 2(d), Article IX, Section 7 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**



**Wavalene M. Saunders, Legislative Chairwoman**

28 day of July, 2025

**ATTEST:**



**Evonne Wilson, Legislative Secretary**

28 day of July, 2025

**Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 28 day of July, 2025 at 2:20 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.**

**RESOLUTION NO. 25-221**

**(Transferring Sells District Financial Management Functions and Control of the Expenditure of Funds to the Tohono O'odham Nation)**

**Page 6 of 6**

**TOHONO O'ODHAM LEGISLATIVE COUNCIL**



**Wavalene M. Saunders, Legislative Chairwoman**

☒ **APPROVED**

**on the 28 day of July, 2025**

☐ **DISAPPROVED**

**at 2:37 o'clock, p.m.**



**VERLON M. JOSE, CHAIRMAN  
TOHONO O'ODHAM NATION**

**Returned to the Legislative Secretary on the 28 day of**

**July, 2025, at 2:38 o'clock, p.m.**



**Evonne Wilson, Legislative Secretary**

**ACTION: TRANSFERRING SELLS DISTRICT FINANCIAL MANAGEMENT FUNCTIONS AND CONTROL OF THE EXPENDITURE OF FUNDS TO THE TOHONO O'ODHAM NATION**

**MOVED: COUNCILWOMAN THEORIA CAMPILLO**

**SECOND: VICE CHAIRWOMAN MARLAKAY HENRY**

**DATE: JULY 28, 2025**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF OIDAK</b> 251.2	<b>1. WAVALENE M. SAUNDERS</b> (Mary Lopez) <b>2. FRANCIS HOMEWYTEWA</b> ( )	<b>125.6</b> <b>125.6</b>	<b>X</b> <b>X</b>			
<b>SELLS</b> 565.7	<b>1. JANET B. ELEANDO</b> ( ) <b>2. EVELYN JUAN MANUEL</b> (Juan Buendia)	<b>282.85</b> <b>282.85</b>	<b>X</b> <b>X</b>			
<b>SCHUK TOAK</b> 195.3	<b>1. THEORIA CAMPILLO</b> (Rebecca Ann Valentine) <b>2. DELISA M. RAMON</b> (Quintin C. Lopez)	<b>97.65</b> <b>97.65</b>	<b>X</b> <b>X</b>			
<b>SAN XAVIER</b> 249.8	<b>1. DANIEL L.A. PRESTON III</b> ( ) <b>2. JANICE FELIX</b> ( )	<b>124.9</b> <b>124.9</b>	<b>X</b> <b>X</b>			
<b>SAN LUCY</b> 266.3	<b>1. GLORIA M. RAMIREZ</b> (Lorraine M. Eiler) <b>2. ROGER MANUEL</b> (Christina Andrews)	<b>133.15</b> <b>133.15</b>	<b>X</b> <b>X</b>			<b>X</b>
<b>PISINEMO</b> 240.3	<b>1. PAMELA J. BENAVIDEZ</b> ( <i>Absent</i> ) (Nora J. Ruelas) ( <i>Present</i> ) <b>2. NAOMI MONTE</b> (Edward D. Manuel)	<b>120.15</b> <b>120.15</b>	<b>X</b> <b>X</b>			
<b>HICKIWAN</b> 222.9	<b>1. LOUIS R. LOPEZ</b> (Loretta A. Ortega) <b>2. DELMA M. GARCIA</b> ( )	<b>111.45</b> <b>111.45</b>	<b>X</b> <b>X</b>			
<b>GU VO</b> 279.6	<b>1. LESLIE LUNA</b> ( ) <b>2. BENNETT CHEWING</b> ( )	<b>139.8</b> <b>139.8</b>	<b>X</b> <b>X</b>			
<b>GU ACHI</b> 289.2	<b>1. JEROME F. JOAQUIN</b> (Gloria Johnson) <b>2. LUCIUS E. LOPEZ</b> (Victoria A. Hobbs)	<b>144.6</b> <b>144.6</b>	<b>X</b> <b>X</b>			
<b>CHUKUT KUK</b> 361.9	<b>1. MARLAKAY HENRY</b> ( ) <b>2. VIVIAN JUAN-SAUNDERS</b> (Cornelius Antone)	<b>180.95</b> <b>180.95</b>	<b>X</b> <b>X</b>			
<b>BABOQUIVARI</b> 398.9	<b>1. JESSE NAVARRO</b> (Alberta J. Ray) <b>2. NED NORRIS, JR</b> (Leander Mase)	<b>199.45</b> <b>199.45</b>	<b>X</b> <b>X</b>			
<b>TOTAL</b>		<b>3,321.1</b>	<b>3,321.1</b>	<b>-0-</b>	<b>-0-</b>	<b>[01]</b>