

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Directing Nation's Treasurer to Report on the Transfer of Control of Sif Oidak District Funds
and Accounts and Directing the Budget and Finance Committee to Present a Resolution
Amending the Sif Oidak District Financial Transfer and Suspension Resolutions)

RESOLUTION NO. 25-222

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 dism'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 &***

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1 *Frances Ruiz v. Charlene Montana, et al; consolidated with Tohono O'odham*
2 *Nation v. Gu-Vo Governing Council*, 3 TOR3d 34, 36 (Ct.App., Aug. 24, 2011)); and
3 **WHEREAS,** the Nation elects to allocate gaming, mining, leasing, and other revenues to fund
4 district government budgets, and the allocations of Nation's funds are the
5 primary sources of funding for Sif Oidak District operations; and
6 **WHEREAS,** the Nation has conditioned its annual allocation of Nation's gaming revenues to
7 districts on annual audits, internal controls, and other measures, including
8 district "budgets approved in accordance with Article VI, Section 1(d)(2) of the
9 Nation's Constitution and Section 302 of the Gaming Ordinance" (Section 1304(A)
10 of 26 T.O.C. Chapter 1); and
11 **WHEREAS,** by Resolution No. 23-440 and Resolution No. 24-091, control and management of
12 Sif Oidak District finances and accounts were transferred to the Nation and "no
13 further distributions or allocations of gaming revenue, mining royalties, or other
14 funds shall be made available for expenditure for the Sif Oidak District until the
15 Nation's treasurer certifies in writing that control of all Sif Oidak District funds
16 has been transferred to the Nation." Resolution No. 23-440; and
17 **WHEREAS,** the Nation's treasurer has not issued the certification required by Resolution No.
18 23-440, and Nation's allocations and distributions for Sif Oidak District
19 expenditures remain suspended; and
20 **WHEREAS,** the Budget and Finance Committee recommends that the Nation's treasurer
21 report the Sif Oidak District's compliance with the financial transfer
22 requirement and, once the treasurer certifies the transfer of control, that the
23 Legislative Council consider a resolution resuming Nation's allocations and
24 transfers for Sif Oidak District expenditures and making other amendments to
25 Resolution No. 23-440 and Resolution No. 24-091.
26 **NOW, THEREFORE, BE IT RESOLVED** that the Legislative Council
27 (1) directs the Nation's treasurer to report to the Nation's chairperson and
28 Budget and Finance Committee in writing weekly whether control of all Sif
29 Oidak District funds and accounts has been transferred to the Nation as
30 required by Resolution No. 23-440, and
31 (2) when the treasurer certifies that control has been transferred, the Budget
32 and Finance Committee is directed to present to the Legislative Council a
33 resolution amending Resolution No. 23-440 and Resolution No. 24-091

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consistent with the applicable terms of Resolution No. 25-221 at the next
Legislative Council session.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 28TH 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.

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Wavalene M. Saunders, Legislative Chairwoman

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[✓] APPROVED

on the 28 day of July, 2025

[] DISAPPROVED

at 2:39 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 2:40 o'clock, p..m.



Evonne Wilson, Legislative Secretary

ACTION: DIRECTING NATION'S TREASURER TO REPORT ON THE TRANSFER OF CONTROL OF SIF Oidak DISTRICT FUNDS AND ACCOUNTS AND DIRECTING THE BUDGET AND FINANCE COMMITTEE TO PRESENT A RESOLUTION AMENDING THE SIF Oidak DISTRICT FINANCIAL TRANSFER AND SUSPENSION RESOLUTIONS

MOVED: COUNCILWOMAN THEORIA CAMPILLO

SECOND: VICE CHAIRWOMAN MARLAKAY HENRY

DATE: JULY 28, 2025

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