

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Verifying Receipt of Certification and Opinion Required by Resolution No. 25-221
and Authorizing Allocations for Sells District Subject to Continuing
Management and Control of District Funds and Accounts)

RESOLUTION NO. 26-311

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Legislative Council
2 with the fiscal powers to "prevent the use, disposition or encumbrance of fiscal
3 assets of the Tohono O'odham Nation," "manage any funds within the exclusive
4 control of the Tohono O'odham Nation . . . and to appropriate these funds for the
5 benefit of the nation and its members" (Constitution, Article VI, Section 1(d)(1)
6 and (d)(2)); 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
10 the Tohono O'odham Council"; and

11 **WHEREAS,** the Legislative Council is vested with substantial control over the Nation's 11
12 local district governments, and it may by ordinance change district boundaries,
13 create a district, or disestablish a district (Constitution, Article IX, Section 2);
14 and

15 **WHEREAS,** the districts "are organizations of fairly limited power and authority which may
16 act only under the supervision of the Tohono O'odham Council" and a district
17 may not expend district funds without a budget authorized by district council
18 resolution and approved by the Legislative Council (*Juan v. Juan*, 2 TOR3d 62
19 (Trial Ct., Jan. 27, 2000) *appeal dism'd*, 3 TOR3d 1 (Jan. 4, 2005); Constitution,
20 Article IX, Section 7); and

21 **WHEREAS,** the Tohono O'odham Judicial Court has recognized that even after distributing
22 funds to a district, the Nation has an ongoing fiduciary obligation to ensure that
23 district funds are expended under valid authority, including by "insuring that
24 funds are expended only by authorized officials of the District." (*Angela Ortiz &*
25 *Frances Ruiz v. Charlene Montana, et al; consolidated with Tohono O'odham*
26 *Nation v. Gu-Vo Governing Council*, 3 TOR3d 34, 36 (Ct.App., Aug. 24, 2011)); and

27 **WHEREAS,** the Nation elects to allocate gaming, mining, leasing, and other revenues to fund
28 district government budgets, and the allocations of Nation's funds are the
29 primary sources of funding for Sells District operations; and
30

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

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

13 **WHEREAS,** by Resolution No. 25-221, the Legislative Council found that

- 14 (1) the Sells District failed to implement mandatory internal controls or to
15 maintain reliable financial records, record transactions, maintain
16 accountability for finances, and limit access to assets in accordance with
17 lawful authorization;
- 18 (2) the independent auditor preparing records for the Sells District FY 2023
19 audit reported more than \$260,000.00 in unrecorded debit card
20 transactions by four Sells District officials in FY 2023 alone;
- 21 (3) a former Sells District chairman continued to have access to and control
22 over certain District bank accounts two years after leaving office; and
- 23 (4) the Sells District Council, in violation of the Nation's Constitution and
24 Elections law, unlawfully transferred duties of the elected District
25 chairman to an unelected District secretary, including to preside over
26 Sells District Council meetings and assume authority over the District's
27 administration and finances; and

28 **WHEREAS,** by Resolution No. 25-221, control and management of Sells District finances and
29 accounts were transferred to the Nation and "no further distributions or
30 allocations of gaming revenue, mining royalties, or other funds shall be made
31 available for expenditure for the Sells District until: (1) the Nation's treasurer
32 certifies in writing that control of all Sells District funds has been transferred to
33 the Nation . . . and (2) the Nation's attorney general issues an opinion that only

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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.”; and

WHEREAS, on July 23, 2026, the Nation’s treasurer issued the certification that full control and management of all Sells District funds and accounts were transferred to the Nation as required by Resolution No. 25-221; and

WHEREAS, on August 27, 2026, the Nation’s attorney general issued an opinion that the Sells District chairperson and secretary are lawfully in place and discharging their duties accordingly; and

WHEREAS, the Budget and Finance Committee recommends that the Legislative Council verify receipt of the Nation’s treasurer’s certification and attorney general’s opinion and take other actions consistent with Resolution No. 25-221.

NOW, THEREFORE, BE IT RESOLVED that the Tohono O’odham Legislative Council:

- (1)** confirms that it has received the Nation’s treasurer’s certification and attorney general’s opinion required by Resolution No. 25-221; and
- (2)** authorizes the Sells District apportionment of the August 2026 District Allocation that was approved by Resolution No. 26-230, and additional distributions or allocations of gaming revenue, mining royalties, and other funds that are approved by Legislative Council resolution for Sells District to be available for expenditure,
 - (A)** subject to Sells District budgets approved in accordance with the Nation’s Constitution and Resolution No. 25-221; and
 - (B)** provided that the Nation shall continue to manage and control the Sells District’s funds and accounts in accordance with Resolution No. 25-221 pending further action by Legislative Council resolution.

The foregoing Resolution was passed by the Tohono O’odham Legislative Council on the 11TH day of SEPTEMBER 2026 at a meeting at which a quorum was present with a vote of 3,321.1 FOR; -0- AGAINST; -0- NOT VOTING; and -0- 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 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).

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Wavalene M. Saunders
Wavalene M. Saunders, Legislative Chairwoman

24 day of September, 2026

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary

23 day of September, 2026

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 24 day of September, 2026 at 9:50 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

Wavalene M. Saunders
Wavalene M. Saunders, Legislative Chairwoman

☒ APPROVED

on the 24 day of September, 2026

☐ DISAPPROVED

at 2:22 o'clock, p.m.

Verlon M. Jose
VERLON M. JOSE, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 24 day of

September, 2026, at 3:17 o'clock, p.m.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: VERIFYING RECEIPT OF CERTIFICATION AND OPINION REQUIRED BY RESOLUTION NO. 25-221 AND AUTHORIZING ALLOCATIONS FOR SELLS DISTRICT SUBJECT TO CONTINUING MANAGEMENT AND CONTROL OF DISTRICT FUNDS AND ACCOUNTS

Moved: COUNCILWOMAN EVELYN JUAN MANUEL

SECOND: COUNCILWOMAN JANET B. ELEANDO

DATE: SEPTEMBER 11, 2026

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