

RESOLUTION OF THE PAPAGO TRIBAL COUNCIL

(Authorizing Appeal of Area Director's)
(Rescission of the Tribe's FY 82 Budget)

RES. NO. 149-81

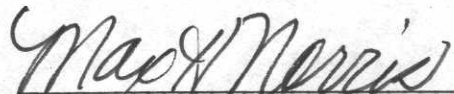
- 1 WHEREAS, the Papago Council did by Resolution No. 122-81, approve and adopt
2 the 1982 fiscal year budget of the Papago Tribe which budget was
3 approved by the Superintendent on September 30, 1981, upon a finding
4 that tribal resources had been conservatively and realistically
5 estimated and that a reserve of \$30,080.00 had been included
(Memorandum of Superintendent dated October 2, 1981); and
6 WHEREAS, by letter dated November 17, 1981, the Area Director advised the
7 Papago Council that he had rescinded the Superintendent's approval
8 of the budget, not because of any defects or omissions intrinsic
9 to the budget, but because the Council had failed to list as "debts"
10 certain claims of the United States for "disallowed costs" under
P.L. 93-638 contracts and grants, and to list contingent liabilities
11 to a tribal account and to a tribal creditor; and
12 WHEREAS, the Papago Council finds that the attempt of the Area Director, by
13 use of the discretionary trust responsibility and authority placed
14 in the Secretary to review and veto tribal budgets, to force the
15 Tribe without due process of law to acknowledge and effectively
16 confess judgment to, and agree to pay such claims and contingent
17 liabilities without regard to the existence of any defenses or set-
18 offs the Tribe may have thereto, reflects an improper purpose, was
influenced by extraneous considerations, and constitutes a capri-
cious and arbitrary abuse of power and an invasion of the congress-
ionally mandated intent, purposes and goals of tribal self-determina-
tion and governmental autonomy.
19 NOW, THEREFORE, BE IT RESOLVED that pursuant to the power vested in the Papago
20 Tribe by Section 16 of the Indian Reorganization Act, Act of June 18,
21 1934, and delegated to the Papago Council by Section 2 (c) of Article
V of the Constitution of the Papago Tribe, the Papago Council does
22 hereby direct that there shall be no further disposition or disburse-
23 ment of tribal funds or assets in satisfaction or payment of
24 disallowed or misspent funds or costs under P.L. 93-638 contracts
or grants unless the Papago Council specifically approves of same.
25 BE IT FURTHER RESOLVED by the Papago Council that it does hereby authorize
26 and direct the attorneys and appropriate officers of the Papago
27 Tribe to institute and prosecute such appeals, proceedings or actions
28 necessary or appropriate to repeal, override or reverse the Area
29 Director's veto of the 1982 fiscal year budget of the Papago Tribe,
30 and to determine the obligation or liability of the Papago Tribe to
make disbursements of tribal funds upon claims of the United States
for disallowed costs under P.L. 93-638 grants and contracts.
31 BE IT FURTHER RESOLVED that the Chairman, attorneys and other appropriate
32 officers of the Papago Tribe are hereby authorized to seek and obtain

1 the support of other Indian tribes, Indian Organizations and their
2 friends, in form of amicus briefs, legal services and funds, in
3 obtaining a legal determination of the obligation or liability of
4 Indian tribes to make disbursements of tribal funds upon claims of
5 the United States for disallowed costs under P.L. 93-638 grants and
6 contracts.

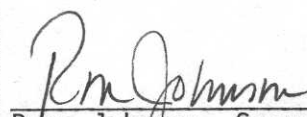
7 BE IT FURTHER RESOLVED that pending a final determination of such appeals,
8 proceedings or actions, the Treasurer and other appropriate officers
9 of the Papago Tribe are authorized and directed to expend tribal
10 funds in accordance with the 1982 fiscal year budget adopted by
11 Resolution No. 122-81 of the Papago Council.

12 The foregoing Resolution was duly enacted by the Papago Council on the 14th
13 day of December, 1981, at a meeting at which a quorum was present with a vote
14 of 1148.0 for; 0 against; 0 not voting; and 0 absent,
15 pursuant to the authority vested in the Papago Council by Section 2 (a), (b),
16 (c), (d), (e) and (f) of Article V of the Constitution and By-laws of the
17 Papago Tribe of Arizona as amended, ratified by the Papago Tribe on December
18 12, 1936, and approved by the Secretary of the Interior on January 6, 1937,
19 pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984). Said
20 Resolution is not subject to review by the Secretary of the Interior and is
21 effective as of the date of its enactment by the Papago Council.

22 THE PAPAGO COUNCIL

23 
24 Max H. Norris, Chairman

25 ATTEST:

26 
27 Rose Johnson, Secretary

Moved: John B. Narcho

Seconded: Henry Ramon

Date: Dec. 14, 1981

RESOLUTION- Authorizing Appeal of
Area Director's Rescission
of the Tribe's FY 82
Budget.

Resolution
or
Ordinance # 149-81

Districts	Representatives	No of Votes	For	Against	Not Voting	Absent
BABOQUIVARI 175	1. Edward N. Kisto (Joann Garcia) 2. Kenneth Chico, Sr. (Donald Harvey)	87.5 87.5	X X			
CHUKUT KUK 117	1. Rosemary Lopez (2. Harriet Toro (Lawrence Jose)	58.5 58.5	X X			
GU ACHI 123	1. Angelo J. Joaquin, Sr. (Joseph Pete Ramon) 2. Cipriano Manuel (Fernando Joaquin)	61.5 61.5	X X			
GU VO 54	1. Cross Antone (Juan Joe Cipriano) 2. Alvin Virgil Lewis (Henry F. Manuel)	27.0 27.0	X X			
HICKIWAN 79	1. Henry A. Ramon (James Angea) 2. Delma Garcia (Archie Pilone)	39.5 39.5	X X			
PISINEMO 82	1. Lamando Francisco (Herman Lopez) 2. Johnson Jose (Frank Garcia)	41.0 41.0	X X			
SAN LUCY 44	1. Max P. Jose (Garfield Lenzo) 2. Albert Gomez (Jeannie Morris)	22.0 22.0	X X			
SAN XAVIER 107	1. John B. Narcho (Simon Mamake) 2. John Lewis (Carmelita Mattias)	53.5 53.5	X X			
SCHUK TOAK 83	1. Alex Juan (Francisco Jose, Jr.) 2. Jo Ann Francisco (Priscilla G. Domingo)	41.5 41.5	X X			
SELLS 168	1. Andrew M. Patricio (Larry Garcia) 2. Fred Stevens (Dennis Jose)	84.0 84.0	X X			
SIF OIDAK 116	1. Elliot Lewis (Eugene Jose) 2. Nicklos Jose (Alice Norris)	58.0 58.0	X X			
TOTALS		1148.0	1148.0	0	0	0