

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Establishing a Minimum General Fund Surplus Reserve)

RESOLUTION NO. 09-267

1 **WHEREAS, the Constitution of the Tohono O'odham Nation (the "Nation") vests the Tohono**
2 **O'odham Legislative Council with broad legislative and fiscal powers, including the**
3 **power "to manage any funds within the exclusive control of the Tohono O'odham**
4 **Nation, including proceeds derived from lands and resources of the Tohono O'odham**
5 **Nation" (Constitution, Article VI, Section 1(d)(2)); and**

6 **WHEREAS, the Nation's Treasurer, in coordination with the Legislative Council Budget and**
7 **Finance Committee, Commerce Committee, and Executive Branch, has recommended**
8 **establishing a minimum General Fund Surplus Reserve in order to plan for**
9 **contingencies, maintain a good credit standing, minimize indebtedness, allow for**
10 **long-term investment, and to ensure cash availability for operating cash flow; and**

11 **WHEREAS, the Nation's General Fund Surplus is defined as the projected accumulated funds in**
12 **the General Fund Investment Account resulting from the Nation's tribal operations**
13 **over the years, minus the Nation's tribal operating budget and tribal supplemental**
14 **appropriations, and including carryover funding appropriated from the General Fund**
15 **Investment Account; and**

16 **WHEREAS, the General Fund Surplus Reserve would restrict appropriations and spending from**
17 **the General Fund Surplus that would reduce the Surplus balance below an established**
18 **minimum percentage; and**

19 **WHEREAS, because the General Fund Surplus Reserve would be funded from the General Fund,**
20 **it would not have an impact on operating budgets funded with federal, state, and other**
21 **grants and contracts; and**

22 **WHEREAS, a General Fund Surplus Reserve would improve the current financial position of the**
23 **Nation by providing a reserve to mitigate the risks associated with negative economic**
24 **conditions, with the Nation's practice of funding budgets based on projected revenues,**
25 **and with the Nation's historic reliance on one significant revenue source (e.g., gaming**
26 **revenue) to fund government operations; and**

27 **WHEREAS, the Nation's Treasurer, in coordination with the Legislative Council Budget and**
28 **Finance Committee, Commerce Committee, and Executive Branch, has recommended**
29 **a minimum General Fund Surplus Reserve equal to twenty-five percent (25.0%) of the**
30 **total amount of the Nation's operating budgets for a single fiscal year.**

31 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it hereby**
32 **appropriates \$17,219,789, an amount equal to 25% of the projected total amount of the**
33 **Nation's FY 2010 budgets from the General Fund FY 2009, which is hereby designated**
34 **as the General Fund Surplus Reserve, subject to the following conditions:**

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- (1) The Legislative Council may appropriate funds from the General Fund Surplus Reserve only to address a shortfall in funds available for the Nation's approved operating budgets and for other emergency purposes, as deemed necessary, even if such use decreases the fund balance below the designated percentage.
- (2) The General Fund Surplus Reserve balance shall be replenished to an amount equal to 25% of the total amount of the Nation's annual tribal operating budgets in accordance with a plan developed by the Budget and Finance Committee and approved by Legislative Council resolution.
- (3) For reporting purposes, the funds that are available within the General Fund Investment Account shall not include the amount within the General Fund Surplus Reserve.
- (4) The Nation's Treasurer shall provide the General Fund Surplus and General Fund Surplus Reserve balances to the Budget and Finance Committee and Legislative Council in writing when the Nation's annual tribal operating budgets and any supplemental funding appropriations are being developed, reviewed, or approved, and the Treasurer shall otherwise recommend actions necessary to properly manage the General Fund Surplus Reserve.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 18TH. Day of MAY, 2009 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0- AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Article VI Section 1 (d) 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

Felicia Munez for
Verlon M. Jose, Legislative Chairman

26th day of May, 2009

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary

18 day of May, 2009.

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 26th day of May, 2009 at 3:47 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

Felicia Murray for
Verlon M. Jose, Legislative Chairman

APPROVED

on the 27 day of May, 2009

DISAPPROVED

at 2:55 o'clock, P.M.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 27 day of

May, 2009, at 3:20 o'clock, P.M.

Evonne Wilson
Evonne Wilson, Legislative Secretary

ACTION: ESTABLISHING A MINIMUM GENERAL FUND SURPLUS RESERVE

MOVED: COUNCILMAN GERALD FAYUANT

SECOND: COUNCILWOMAN EVELYN JUAN MANUEL

DATE: MAY 18, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (Vernon Smith)	158.45	X			
CHUKUT KUK 264.8	1. ETHEL GARCIA ()	132.40	X			
	2. VERLON M. JOSE ()	132.40	X			X
GU ACHI 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ()	113.95	X			
GU VO 199.2	1. GRACE MANUEL ()	99.60	X			X
	2. RAYMOND VICTOR ()	99.60	X			
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00	X			
	2. SANDRA ORTEGA (Louie Lopez)	86.00	X			
PISINEMO 182.4	1. CHESTER ANTONE (Tony Murrietta)	91.20	X			
	2. GERALD FAYUANT ()	91.20	X			
SAN LUCY 181.1	1. LORRAINE EILER ()	90.55	X			
	2. GLORIA RAMIREZ ()	90.55	X			
SAN XAVIER 196.5	1. FELICIA NUÑEZ ()	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			
SCHUK TOAK 154.6	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			X
SELLS 444.7	1. KIMBERLY LISTO ()	222.35	X			
	2. EVELYN B. JUAN MANUEL ()	222.35	X			
SIF OIDAK 194.4	1. WAVALENE ROMERO ()	97.20	X			
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	2,534.5	-0-	-0-	[03]

**PASSED VOTES