TITLE 26 - FINANCE

CHAPTER 1 - FINANCE CODE

ARTICLE 6 - SIGNATURES AND BANK ACCOUNTS

Legislative History: Resolution No. 190-88 “Reauthorizing Opening Of and Withdrawals from Bank Accounts” was passed by the Council on July 15, 1988 and vetoed by the Nation’s Chairman on July 18, 1988; veto was overridden by Resolution No. 191-88 on July 19, 1988; signature authority was amended by Resolution No. 06-466 “Directing Development of Finance Code and Authorizing Officials to Sign Negotiable Instruments on the Nation’s Behalf” effective July 13, 2006.
RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Reauthorizing Opening Of and Withdrawals from Bank Accounts)

RES. NO. 190-88

WHEREAS, under the Constitution of the Tohono O'odham Nation, the
Treasurer of the Tohono O'odham Nation is charged with
the acceptance, receipt and safekeeping of all tribal
funds, and with the deposit of such funds as directed by
the Legislative Council; and

WHEREAS, the Treasurer's position has been vacant for over a
year, the Legislative Council did by Res. No. 190-88
establish the position of Chief Financial Officer with
prescribed duties and responsibilities "for receiving,
safekeeping and disbursement of the Nation's funds.
Also responsible for protecting the Nation's interest in
all financial matters."

NOW THEREFORE, BE IT RESOLVED by the Legislative Council that the
Chief Financial Officer is hereby authorized to open
and maintain such checking, savings or other banking
accounts in the name and on behalf of the Tohono O'odham
Nation.

BE IT FURTHER RESOLVED that, until further order of this Council,
any funds of the Tohono O'odham Nation deposited in such
accounts be subject to withdrawal or charge at any time
upon checks, notes, drafts, bills of exchange,
acceptances, undertakings or other instruments or orders
for the payment when made, signed, drawn, accepted, or
endorsed on behalf of the Tohono O'odham Nation by any
two of the following officers, namely the Chief
Financial Officer, the Chairman and Vice Chairman of the
Nation.

BE IT FURTHER RESOLVED that the Secretary or any other officer of
the Legislative Council from time to time in office is
authorized to verify the names of the officers of the
Legislative Council and Executive Department and their
respective offices, together with specimens of their
signatures, and in case of any change of any holder or holders of any such office or offices, the fact of such change and the names of any new officers and the offices respectively held by them, together with specimens of their signatures.

The foregoing resolution was passed by the Tohono O'odham Council on the 15th day of July, 1988 at a meeting at which a quorum was present with a vote of 1,612.0 for; 0 against; 0 not voting; and 04 absent, pursuant to the powers vested in the Council by Section 1 (d) of Article VI of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 16, 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 19, 1934 (48 Stat. 981).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

[Signature]
Harriet Toro, Legislative Chairperson


ATTEST:

[Signature]
Teresa M. Chogyuha, Legislative Secretary


Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 15th day of July, 1988, at 5:36 p.m., pursuant to the provisions of Section 6 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

[Signature]
Harriet Toro, Legislative Chairperson
RES. NO. 190-98
(Reauthorizing Opening of and Withdrawals from Bank Accounts)
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[ ] APPROVED  on the 18th day of July, 1988.

[ ] DISAPPROVED  at 9:41 o'clock, A.M.

[Signature]
EPHRAI F. RENFRO, JR., Chairman
TOMON O'ODHAM NATION

Returned to the Legislative Secretary on the 18th day of
July, 1988, at 9:49 o'clock, A.M.

[Signature]
Teressa N. Choyghua
Legislative Secretary
RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Override Veto of Resolutions No. 188-88, 189-88, and 190-88)
RES. NO. 191-88

WHEREAS, the Budget and Finance Committee of the Legislature, (the Committee), presented a report to the Tohono O'odham Legislative Council, (the Legislature), containing certain recommendations concerning the condition and status of the Tohono O'odham Nation's Financial System; and

WHEREAS, the Legislature, by the enactment of Resolutions No. 188-88, 189-88, and 190-88 did approve of the recommendations presented by the Committee; and

WHEREAS, upon presentation of Resolutions 188-88, 189-88, and 190-88 to the Chairman of the Tohono O'odham Nation he did disapprove thereof and returning it to the Council with his objections in accordance with provisions of Article VII, Section 5 of the Constitution of the Tohono O'odham Nation; and

WHEREAS, the Legislative Council has reviewed the Chairman's objections and a written rebuttal prepared by the Committee, (see attached "Budget and Finance Committee's response to the Veto of resolutions 188-88, 189-88, and 190-88"); and

WHEREAS, after full consideration, the Legislative Council again voted to pass Resolutions No. 188-88, 189-88, and 190-88.

NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council, does hereby override the Chairman's veto of Resolutions No. 188-88, 189-88, and 190-88, by a vote of two-thirds (2/3) of the votes cast, 1,020.0.

The foregoing resolution was passed by the Tohono O'odham Council on the 19th day of July, 1988 at a meeting at which a quorum was present with a vote of 1,020.0 for; 42.5 against; 111.0 not voting; and 03 absent, DID OVERRIDE the Chairman's veto of Resolution No. 188-88, 189-88 & 190-88, pursuant to the powers vested in the Council by Section 5 of Article VII 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
RES. NO. 191-88
(Override Veto of Resolutions No. 188-88, 189-88, and 190-88)
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TOHONO O'DODHAM LEGISLATIVE COUNCIL

Harriet Toro, Legislative Chairperson

ATTEST:

Teresa H. Choyguha, Legislative Secretary

Said Resolution was submitted for approval to the office of the
Chairman of the Tohono O'dodham Nation on the 19th day of
July, 1988, at 3:30 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'DODHAM LEGISLATIVE COUNCIL

Harriet Toro, Legislative Chairperson

[ X ] APPROVED on the 19th day of July, 1988,
[ ] DISAPPROVED at 4:05 o'clock, P.M.

Enos J. Francisco, Jr., Chairman
TOHONO O'DODHAM NATION

Returned to the Legislative Secretary on the 20th day of
July, 1988, at 8:57 o'clock, A.M.

Teresa H. Choyguha
Legislative Secretary
RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Directing Development of Finance Code and Authorizing Officials to Sign Negotiable Instruments on the Nation's Behalf)

RESOLUTION NO. 06-466

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

WHEREAS, the Nation's Chairperson is vested by Article VII, Section 2 of the Constitution with the power to “oversee the implementation of all laws, ordinances, resolutions and rules made by the Tohono O'odham Council,” to “exercise all other powers delegated to him by the Tohono O'odham Council,” and to “oversee the administration and management of the government in accordance with an administrative plan adopted by the Tohono O'odham Council” (Constitution, Article VII, Section 2(c), (d), and (a)); and

WHEREAS, although the Legislative Council Budget and Finance Committee is in the process of developing a Finance Code that will clarify the power of various Nation's officials to execute contracts, sign other documents and instruments, and to exercise certain fiscal powers, current law requires that any funds deposited in the Nation's accounts be subject to withdrawal or charge upon checks or other instruments “when made, signed, drawn, accepted, or endorsed on behalf of the Tohono O'odham Nation by any two of the following officers, namely the Chief Financial Officer, the Chairman and Vice Chairman of the Nation” (Resolution No. 190-88, veto overridden by Resolution No. 191-88); and

WHEREAS, as a matter of practice, the Nation has historically issued payroll, per diem, travel, reimbursement, and other checks bearing the signatures of both the Nation's Chairperson and Vice Chairperson; and

WHEREAS, subsequent to the passage of Resolution No. 190-88, the Nation's Chief Financial Officer position was eliminated; and

WHEREAS, with the recent resignation of Vice Chairman Ned Norris, Jr., there is no elected official currently authorized to serve as a second signatory on the Nation's checks as required by law; and
WHEREAS, the position of the Nation's Treasurer remains vacant and significant concerns have been raised concerning the organization, staffing, and performance of the Office of the Treasurer; and

WHEREAS, it is essential to implement internal controls and establish clear lines of authority to prevent incidents of fiscal mismanagement; and

WHEREAS, it is therefore in the Nation’s best interest to amend Resolution No. 190-88 to identify those officials who, in addition to the Nation's Chairperson, are vested with the authority to sign the Nation’s checks and other negotiable instruments; and

WHEREAS, pursuant to Resolution No. 83-88, “Adoption of Budget and Finance Committee’s Plan of Operation,” the Legislative Council Budget and Finance Committee is delegated the power to “review and recommend legislative measures or action to the Legislative Council … approving the expenditure of public funds or fiscal resources of the Nation” and measures or actions affecting “the establishment of bank accounts for, and the deposit or expenditure of public monies” and funds (Plan of Operation, Section 1(b)(1)); and

WHEREAS, the Budget and Finance Committee has consulted with the full Council, the Nation’s Chairwoman, and the Accounting Department concerning the need for authorizing two officials to sign all checks issued by the Nation; and

WHEREAS, based on its review, the Budget and Finance Committee recommends that the Nation’s checks and other negotiable instruments bear the signature of both the Nation's Chairperson and Vice Chairperson and that, in the event of a vacancy in the office of the Nation's Vice Chairperson, that such instruments bear the signature of the Chairperson of the Nation and the Chairperson of the Tohono O’odham Legislative Council Budget and Finance Committee.

NOW, THEREFORE, BE IT RESOLVED by the Tohono O’odham Legislative Council that the Budget and Finance Committee is directed, in consultation with the Accounting Department, Office of the Treasurer, and the chief administrative officers of the Nation’s three branches of government, to develop a Finance Code to protect the Nation’s financial integrity while allowing business to be conducted in an efficient and timely manner.
BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that the Finance Code shall contain provisions governing budget development, approval, and administration; accounting and financial statements; procurement; Indian Preference in the acquisition of goods and services; contracting; grant funding; audits and internal controls; signature authority, property management and disposal; and all other matters the Budget and Finance Committee deems necessary.

BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that the second resolved clause in Resolution No. 190-88 is hereby amended and replaced to read as follows:

"BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that (1) any funds of the Tohono O'odham Nation deposited in such accounts be subject to withdrawal or charge at any time upon checks, notes, drafts, bills of exchange, acceptances, undertakings or other instruments or orders for payment (collectively, "negotiable instruments") when made, signed, drawn, accepted, or endorsed on behalf of the Tohono O'odham Nation by both the Nation's Chairperson and Vice Chairperson, who shall be the designated signatories of the Nation for that purpose, (2) in the event that the position of the Nation's Vice Chairman is vacant as defined in the Constitution and laws of the Nation, the Chairperson of the Tohono O'odham Legislative Council Budget and Finance Committee shall serve as the second designated signatory of the Nation on negotiable instruments, and (3) the signature of the two officials identified herein are required to constitute the authorized signature of the Nation on any negotiable instruments issued by the Nation.

BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that it hereby (1) ratifies the signatures on checks issued by the Nation from June 28, 2006 at 2:00 p.m. until the effective date of this Resolution and (2) authorizes the Nation's Chairwoman to act as the sole signatory on checks issued by the Nation until such time that the second signature authorized by this Resolution is implemented.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12th Day of JULY, 2006 at a meeting at which a quorum was present with a vote of 1,589.0 FOR; 758.45 AGAINST; 93.35 NOT VOTING; and 02 ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1 (d) and (f) 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).
RESOLUTION NO. 06-466
(Directing Development of Finance Code and Authorizing Officials to Sign Negotiable Instruments on the Nation's Behalf)
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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Evelyn B. Juan Manuel, Legislative Chairwoman

18th day of July, 2006

ATTEST:

Lucille Lopez, Acting Legislative Secretary

__ day of July, 2006.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'odham Nation on the 23rd day of July, 2006 at 2:10 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Evelyn B. Juan Manuel, Legislative Chairwoman

[ ] APPROVED on the 13 day of July, 2006

[ ] DISAPPROVED at 3:30 o'clock, P.M.

VIVIAN JUAN SAUNDERS, CHAIRWOMAN

TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 14 day of July, 2006, at 12:13 o'clock, P.M.

Lucille Lopez, Acting Legislative Secretary