

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Declaring That Audit Directed By Legislative Order No. 03-372 Cannot Be Performed)**

**LEGISLATIVE ORDER NO. 11-187**

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the authority to "establish**  
2 **rules and procedures to regulate all meetings of the Tohono O'odham Council,**  
3 **standing committees, boards, and special committees" (Constitution, Article VI,**  
4 **Section 1(a)); and**

5 **WHEREAS, in 2003, the Legislative Council required that a "fraud or internal audit be performed**  
6 **within the Legislative branch for fiscal years 1997 to 2002" (Legislative Order No. 03-**  
7 **372); and**

8 **WHEREAS, the Legislative Council officers subsequently entered a professional services**  
9 **agreement with DeVries CPAs of Arizona to conduct the audit required by Legislative**  
10 **Order No. 03-372; and**

11 **WHEREAS, in 2008, at the request and direction of the Legislative Council officers, Rules**  
12 **Committee, and Budget and Finance Committee, DeVries CPAs of Arizona presented**  
13 **the results of its work to the full Legislative Council for discussion and review; and**

14 **WHEREAS, during the discussion and in response to questions from Legislative Council**  
15 **representatives, the Nation's Accounting Department stated that the Department**  
16 **would be able to locate and provide additional financial documents relevant to the**  
17 **Legislative Branch audit; and**

18 **WHEREAS, the Legislative Council requested that the Legislative Council officers, DeVries CPAs,**  
19 **and staff work closely with the Accounting Department to identify, locate, and**  
20 **incorporate the additional and newly announced financial documents in order to**  
21 **complete the Legislative Branch audit; and**

22 **WHEREAS, in response, the Legislative Branch officers communicated regularly and extensively,**  
23 **met, and followed-up with relevant Accounting Department staff in order to obtain the**  
24 **documents necessary to satisfy Legislative Order No. 03-372; and**

25 **WHEREAS, after three years of seeking the relevant financial documents, the Accounting**  
26 **Department concluded in writing that the documents could not be located; and**

27 **WHEREAS, when presented with all available information and documents, DeVries CPAs of**  
28 **Arizona recommended that the Legislative Council consider closing Legislative Order**  
29 **No. 03-372 "for lack of complete documentation that would be required in order to**  
30 **perform a full forensic/fraud audit..." (March 25, 2011 Letter from DeVries CPAs); and**

31 **WHEREAS, DeVries' conclusions were reported to the Rules and Budget and Finance Committees.**

32 **NOW, THEREFORE, BE IT ORDERED by the Tohono O'odham Legislative Council that it declares the**  
33 **audit directed by Legislative Order No. 03-372 cannot be performed due to the lack of**  
34 **documentation, provided that nothing in this legislative order shall be interpreted as**

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forgiving or relieving any debt that may be owed to the Legislative Branch or to the Nation.

The foregoing Order was passed by the Tohono O'odham Legislative Council on the 13<sup>TH</sup> day of MAY, 2011 at a meeting at which a quorum was present with a vote of 1,777.30 FOR; 368.60 AGAINST; 449.60 [02] NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Section 1 (a) of Article VI 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 M. Jose*  
Verlon M. Jose, Legislative Chairman

23 day of May, 2011

ATTEST:

*Evonne Wilson*  
Evonne Wilson, Legislative Secretary

19 day of May, 2011

ACTION: DECLARING THAT AUDIT DIRECTED BY LEGISLATIVE ORDER NO. 03-372 CANNOT BE PERFORMED

MOVED: COUNCILMAN EDWARD MANUEL

SECOND: COUNCILWOMAN LORRAINE EILER

DATE: MAY 13, 2011

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF ODAK</b> <b>198.7</b>	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			
	2. MARY LOPEZ ( )	99.35	X			X
<b>SELLS</b> <b>449.6</b>	1. KIMBERLY MULL ( )	224.80			X	
	2. EVELYN B. JUAN MANUEL ( )	224.80			X	
<b>SCHUK TOAK</b> <b>159.0</b>	1. FRANCES B. CONDE (Stanley Stephans)	79.50	X			
	2. FREDERICK JOSE (Phyllis Cachora)	79.50	X			
<b>SAN XAVIER</b> <b>204.7</b>	1. FELICIA NUÑEZ ( )	102.35	X			X
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35	X			
<b>SAN LUCY</b> <b>187.1</b>	1. LORRAINE EILER ( )	93.55	X			
	2. GLORIA RAMIREZ ( )	93.55	X			
<b>PISINEMO</b> <b>184.5</b>	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
<b>HICKIWAN</b> <b>174.5</b>	1. MICHELLE ORTEGA ( )	87.25	X			
	2. SANDRA ORTEGA ( )	87.25	X			
<b>GU VO</b> <b>206.3</b>	1. GRACE MANUEL ( )	103.15	X			X
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			
<b>GU ACHI</b> <b>230.1</b>	1. TIMOTHY L. JOAQUIN ( )	115.05		X		
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	115.05		X		
<b>CHUKUT KUK</b> <b>277.0</b>	1. ETHEL GARCIA (Sara Mae Williams)	138.50		X		
	2. VERLON M. JOSE ( )	138.50	X			
<b>BABOQUIVARI</b> <b>324.0</b>	1. FRANCES MIGUEL (Roberta Harvey)	162.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	162.0	X			
<b>TOTAL</b>		<b>2,595.50</b>	<b>1,777.30</b>	<b>368.60</b>	<b>449.60</b> <b>[02]</b>	<b>[03]</b>