



SAN XAVIER DISTRICT
OF THE
TOHONO O' ODHAM NATION
2018 WEST SAN XAVIER ROAD • TUCSON, ARIZONA 85746
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RESOLUTION OF THE SAN XAVIER DISTRICT COUNCIL
(Rescinding Resolution No. SXDC 02-26-17 and Adopting a Revised Financial Conflict of Interest Policy for the San Xavier District Council)

Resolution No. SXDC 05-26-02

- WHEREAS, Article IX, Section 3 of the Constitution of the Tohono O'odham Nation provides that each district shall have a governing body known as the District Council, which shall consist of at least five representatives or their alternates, a Chairperson, and Vice Chairperson.
- WHEREAS, Title 12, Chapter 1, Section 1702(A) of the Tohono O'odham Code (Elections) provides that the Chairperson, or in his or her absence, the Vice Chairperson, shall preside at all meetings of the District Council and shall perform all duties of a Chairperson; and
- WHEREAS, Title 12, Chapter 1, Section 1702(A) of the Tohono O'odham Code provides that the Chairperson, or in his or her absence, the Vice Chairperson, shall exercise any authority delegated by the District Council; and
- WHEREAS, on September 16, 2024, the San Xavier District Council adopted the Wa:k Comprehensive Plan in Resolution No. SXDC 09-24-08; and
- WHEREAS, Part VI, Section A of the Comprehensive Plan provides that the San Xavier District Council is the authority leading the preparation, adoption, amendment, evaluation, update, and implementation of the Wa:k Comprehensive Plan; and
- WHEREAS, Part IV, Section B of the Comprehensive Plan calls for government transparency; and
- WHEREAS, public disclosure of conflicts of interest by members of the District Council is a practice that is consistent with the goal of government transparency; and
- WHEREAS, conflicts of interest cannot be entirely avoided in a close-knit community, but they can and should be managed through clear rules that promote independent judgment, fairness in decision-making, and public confidence in District governance; and



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WHEREAS, the effective management of conflicts of interest is essential to ensure that the District Council can deliberate and vote on matters affecting the San Xavier District in a manner that serves the interests of the community as a whole, free from undue influence or divided loyalties; and

WHEREAS, on February 25, 2026, the San Xavier District Council adopted Resolution No. SXDC 02-26-17, adopting a conflict of interest policy for the San Xavier District Council related to financial interests; and

WHEREAS, upon further review of Title 12, Chapter 1, §1702(A) of the Tohono O'odham Code, the Council has determined that clarification is necessary to ensure consistency with the Code; and

NOW, THEREFORE, BE IT RESOLVED that Resolution No. SXDC 02-26-17 is hereby rescinded in its entirety, and the San Xavier District Council adopts the following Financial Conflict of Interest Policy:

- Definitions -

For purposes of the resolution,

“Member” means the Chairperson, Vice Chairperson, District Council members, and alternates when seated, of the San Xavier District Council, and Tohono O'odham Legislative Council Representatives for the San Xavier District and alternates, when seated.

“Spouse” means husband or wife in a licensed marriage as defined by the Tohono O'odham Code, Title 9, Domestic Relations.

“Financial interest” means any direct or indirect financial benefit or loss that is specific to the member and not shared by the public at large. A financial interest includes:

- compensation, employment, or contractual relationships;
- ownership or control of, or investment in, a business or entity affected by the matter;
- payments, fees, commissions, or other financial gain; and
- a financial interest held by:
 - a member's spouse, parents, grandparents, children, grandchildren or siblings, or



- a member's spouse's parents, grandparents, children, grandchildren or siblings, or
- any other person over which the member or the member's spouse has legal guardianship over.

A general interest shared equally with other members of the community is not a financial interest under this policy.

- Rules -

1. Duty to Disclose

Each member of the District Council has a duty to disclose any financial interest in a matter before the Council. Members shall err on the side of disclosure. Disclosures shall be made on the record before discussion or voting and shall be reflected in the meeting minutes.

2. Recusal

A member, other than the Chairperson, who has a financial interest in a matter shall not vote on that matter. Nothing in this policy shall be interpreted to limit the Chairperson's authority to cast a vote where his or her vote would change the result, as provided in Title 12, Chapter 1, Section 1702(A) of the Tohono O'odham Code.

3. Determination by the Council

If there is a question about whether a financial interest requires recusal, the Council shall decide the issue by majority vote. The affected member may participate in discussion of whether a conflict exists but shall not vote on that question.

4. Reconsideration

If the Council later determines that a matter was voted on without required disclosure or recusal, the Council shall reconsider the matter in compliance with this policy.

5. Transparency



This conflict of interest policy shall be a public document and shall be posted to the San Xavier District website.

CERTIFICATION

The foregoing resolution was passed by the San Xavier District Council at a meeting held on the 5th day of **May, 2026**, at which a quorum was present with a vote of 4 FOR; 0 AGAINST; 0 NOT VOTING; 1 ABSENT, pursuant to the powers vested in the Council by the Tohono O'odham Constitution, Article IX, Section 5, as adopted and approved on 6 March 1986.

SAN XAVIER DISTRICT COUNCIL

Austin G. Nunez, Chairman

ATTEST:

Rina Encinas, Secretary
San Xavier District Council

MOTION: Patricia Cerna
SECOND: Phyllis Valenzuela