

**Public Comments on Proposed Amendments to Community,
Enterprises, Divisions, and Boards Ordinance –
Chapter 1, Article II, Division 13
Comment Period: April 16-May 15, 2025**

On April 16, 2025, the Salt River Pima-Maricopa Indian Community Council authorized a thirty (30) day public comment period on amendments to the Community's section on Community, Enterprises, Divisions, and Boards ("Ordinance"). The amendments to the Ordinance do the following:

- Establish Salt River Shared Services as a new division within the Community to manage the financial accounting and similar services for some of the Community's smaller enterprises.

The thirty (30) day public comment period lasts until May 15, 2025. The Office of General Counsel and the Treasury Department will collect comments.

Please submit all comments in writing either to the Community's intranet "Ordinance Public Comment" page, or via standard mail or email to the following:

Salt River Pima-Maricopa Indian Community
The Office of the General Counsel
10005 East Osborn Road
Scottsdale, Arizona 85256
OrdPublicComment@srpmic-nsn.gov

**SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY**
10005 East Osborn Road
Scottsdale, Arizona 85256

ORDINANCE NUMBER: SRO-____-2025

To create Sections 1-_____ regarding Salt River Shared Services Division.

BE IT ENACTED THAT:

Sections 1-_____ and 1-_____ of the Community's Code of Ordinances are adopted as effective on the date of enactment.

Sec. 1-_____. Established.

- (a) There is established a division of the Salt River Pima-Maricopa Indian Community ("Community") which is a subordinate economic organization and arm of the Community to be known as Salt River Shared Services ("SRSS"). SRSS shall act for the exclusive benefit of the Community and on its behalf.
- (b) SRSS shall maintain its principal place of business and office in the Community.
- (c) SRSS shall be in the business of providing accounting and other services as needed, including human resources and information technology, to the Community's enterprises and other related business as the Community Council may determine from time to time.
- (d) SRSS shall be and at all times remain exclusively owned and controlled by the Community, acting through the Community Council. SRSS is and shall function as a subordinate economic organization or arm of the Community.
- (e) The primary purpose of SRSS is to:
 - (1) Promote the economic self-sufficiency of the Community, so as to enable the Community to survive and prosper as an independent Indian Community;
 - (2) Enable the Community to further develop and enhance its self-determination; and
 - (3) Assist in the generation of government tax and other revenues to support operation of Community government and the provision of governmental services and programs to Community members and the public at large.
- (f) In furtherance of the general powers conferred by this Division 13 of Chapter 1, Article II of the Community Code of Ordinances, and in conformity with the established policies of the Community Council, SRSS shall also have the following powers which, unless such powers are revoked by the Community Council, shall be exercised by the chief financial officer ("CFO") of SRSS or delegated to SRSS's officers or employees:
 - (1) To enter into, make and perform contracts of every kind and description with any firm, person, association or corporation, tribal government, municipality, county, territory, state government or dependency thereof, subject only to the following restriction:
 - a. SRSS shall not enter into any contract which requires expenditures from SRSS in excess of its budget for the subject matter of any such contract without an amendment to the SRSS's budget, and Community Council approval of such amendment.

- (2) To prepare an annual budget of income, expenses and capital expenditures in a form approved by the Community's treasurer and to adopt an annual budget that is approved by the Community Council.
- (3) To conduct banking relationships necessary to the operation of SRSS, with notice to the Community treasurer prior to establishing bank accounts.
- (4) To establish a uniform system of accounting, to provide for the annual auditing by a certified public accountant of the books of the Community's enterprises that SRSS is assigned to manage and to report the financial condition of those enterprises to the Community treasurer monthly. Upon request of the Community treasurer, SRSS's CFO shall timely prepare specified financial reports, projections, or provide data in a form and substance reasonably acceptable to the Community treasurer (financial data). Copies of all financial data and other information shall be provided by the CFO to the Community treasurer. In addition, the CFO of SRSS shall timely inform the Community treasurer regarding operational matters which are likely to significantly affect SRSS's annual budget, its strategic planning, financial results, internal controls, operating efficiency, or financial planning.
- (5) To enter into arrangements with departments of the Community to provide assistance in accounting, personnel selection, purchasing or other services as management of SRSS may from time to time determine and to enter into contracts for goods and services with any other enterprise or division of the Community.
- (6) To hire, promote and discharge such personnel as may be required to conduct its business. SRSS shall maintain effective policies for giving preference in hiring, promotion, and training to qualified Community members in all levels of employment, including specifically in the employment of officers and other management employees. Community member and Indian preference policies shall be adopted and implemented by SRSS consistent with Community law and any other applicable law.
- (7) To conduct the business of SRSS in accordance with the laws of the Community.
- (8) To exercise such powers as are necessary to accomplish the purpose for which SRSS is organized.
- (9) To own and hold personal property in the name of SRSS, limited liability companies of SRSS (whether a wholly owned company formed under Chapter 24 or a "community owned entity" under section 15.1-25(c)), or the Community.
- (10) To retain attorneys under a written agreement, subject to the prior express approval of the Community's general counsel, provided that no attorney-client, work-product or other privilege shall prevent communication of any matter or distribution of any document between such attorneys and the Community's general counsel. The Community's general counsel may attend, or appoint attorneys to attend, SRSS meetings as needed.
- (g) SRSS shall create separate budgets and books of account for each of the businesses conducted.
- (h) The highest amount of indebtedness or liability, direct or contingent to which SRSS may at any time subject itself shall be determined, from time to time, by the Community Council.
- (i) The officers of SRSS shall not be liable for the debts of SRSS; the private property of the officers of SRSS shall be forever exempt from SRSS's debts; and SRSS and the Community shall indemnify and hold harmless the officers from liability or other claim arising out of their duties of or function as officers, provided they acted in good faith.
- (j) The CFO or designated financial officer shall perform the following functions:

- (1) *Budget.* Each fiscal year the CFO and primary financial officer shall develop a proposed annual budget, subject to final approval of the Community Council.
 - (2) *Compliance with law and ethical business environment.* SRSS shall endeavor to operate as an ethical entity that is compliant with all applicable laws and requirements. The CFO is responsible to periodically review and assess whether SRSS's business practices are consistent with applicable law, reviewing any changes to them that may be made from time to time by management, and monitoring SRSS's compliance with them.
 - (3) *Risk oversight.* The CFO will periodically review the principal topics relating to or arising out of risks inherent in SRSS's business and assess the effectiveness of SRSS's measures to address these risks.
 - (4) *Provision of oversight.* The Community's Treasury Department shall (a) periodically review and, if necessary, revise the Mission and Purpose statement for SRSS; (b) review the performance of the CFO annually; (c) review management's strategic plans for SRSS and determine if goals have been met and if such plans should be revised; (d) review and approve SRSS's financial and management policies; and (e) review monthly financial statements.
- (k) Nothing in this Division 13 of Chapter 1, Article II of Community Code of Ordinances shall exempt the SRSS from full compliance with ordinances of the Community.

Sec. 1-_____. Capitalization; privileges and immunities.

- (a) SRSS shall be capitalized by ownership of all the equipment, vehicles, accounts receivable, cash, and all other assets held in the name of the Salt River Shared Services, a division of the Community and as determined by the Community Council.
- (b) SRSS is, and shall function as, an instrumentality of and a subordinate economic organization of the Community. SRSS is entitled to all the privileges and immunities of the Community, including but not limited to immunities from suit in federal, state and tribal courts and from federal, state, and local taxation or regulation, except as may be otherwise provided by Community law. SRSS's immunity from suit may only be waived as follows:
 - (1) The Community Council may at any time expressly waive SRSS's immunity from suit by written waiver, subject to the terms, conditions and limitations set forth in the written waiver.
 - (2) SRSS may grant a written waiver of SRSS's immunity from suit for (i) contract amounts not to exceed one million dollars:
 - a. The waiver must be in writing and must identify the party or parties for whose benefit the waiver is granted, the transactions and the claims or classes of claims for which the waiver is granted, the property of SRSS which may be subject to execution to satisfy any award or judgment which may be entered in the claim, and shall state whether SRSS consents to suit in court or to arbitration, mediation or other alternative dispute resolution mechanism, and if consenting to suit in court, identify the court or courts in which suit against SRSS may be brought, or the requirements and procedures for initiating mediation or arbitration, if applicable.
 - b. Any waiver shall be limited to claims arising from the acts or omissions of SRSS, its employees or agents, and shall be limited to and construed only to affect property held in the name of SRSS and the income and accounts of SRSS.

- c. Nothing in this Division 13 of Chapter 1, Article II of the Community Code of Ordinances, and no waiver of immunity granted by SRSS, shall be construed as a waiver of the sovereign immunity of the Community or any other Community-owned enterprise or division, and no such waiver of immunity of SRSS shall create any liability on the part of the Community or any other Community-owned enterprise or division for the debts and obligations of SRSS, or shall be construed as a consent to the encumbrance or attachment of any property of the Community or any other Community-owned enterprise or division based on any action, adjudication, or other determination of liability of any nature incurred by SRSS.
- d. The immunity of SRSS shall not extend to actions brought by the Community.
- e. No waiver of immunity of SRSS shall extend to or in any manner affect the assets transferred from the accounts or business of SRSS to other accounts of the Community, nor to amounts payable to the Community by SRSS. All obligations and indebtedness incurred by SRSS shall be special obligations solely of SRSS and payable solely from the assets described in this section.

C_E_R_T_I_F_I_C_A_T_I_O_N

Pursuant to the authority contained in Article VII, Section 1(f) of the Constitution of the Salt River Pima-Maricopa Indian Community (as amended), ratified by the Tribe on February 28, 1990, and approved by the Secretary of the Interior on March 19, 1990, the foregoing Ordinance was adopted this ____ day of _____, 2025, in a duly called meeting of the Community Council at Salt River, Arizona, at which a quorum of ____ members was present, by a vote of ____ for; ____ opposed; ____ abstaining; and ____ excused.

**SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY COUNCIL**

Martin Harvier, President

ATTEST:

Erica Harvier, Secretary