



Resolution SFTHCC 22-02

Title: SFTHC Council Directives Concerning Treasurer Authority and Its U.S. Bank Account Proceeds

WHEREAS, the San Francisco Tlingit & Haida Community (SFTHC) is a political subdivision of the Central Council of Tlingit and Haida Indian Tribes of Alaska (Tlingit & Haida), a federally recognized tribe with more than 34,000 citizens; and

WHEREAS, under Article II Section of the SFTHC Constitution, the Community Council is the governing body of the Community; and

WHEREAS, under Article III Section 1 and 2 of the SFTHC Constitution, the Powers the Community Council are defined; and

WHEREAS, Article IV Section 5 of the SFTHC Constitution reserves to the SFTHC Council Treasurer the authority to “preserve and safeguard all funds” of the SFTHC or Council and the duty to report on all receipts and disbursements the amount and nature of all funds; and

WHEREAS, the SFTHC Council in its meeting of November 13, 2022, determined to (1) close all U.S. Bank accounts, and (2) the Treasurer convey the proceeds of all accounts to the Tlingit & Haida account opened to receive SFTHCC funds, with the Council Members requested to assist the Treasurer; and

WHEREAS, the SFTHC Council Treasurer and President contacts with U.S. Bank representatives were rebuffed with refusals to comply with the lawful instructions of the SFTHC Council and Officers and instead contact the SFTHC Council former President and Treasurer; and

WHEREAS, the SFTHC Council President provided the U.S. Bank representative with documents and oral assurance that the former SFTHC Council Member and Officers from any prior Council possessed no authority to access, possess, distribute, or in any way claim any interest in the SFTHC Council U.S. Bank accounts, and only the duly elected and seated Treasurer possessed such privileges; and

WHEREAS, the U.S. Bank representative agreed to speak with the Tlingit & Haida General Counsel and informed her that the SFTHC Council bank accounts were now closed and a check for the proceeds of accounts conveyed to the possession of the former SFTHC Council President of the immediate past Council term, and to seek the funds from that person without further involvement by U.S. Bank.

NOW THEREFORE BE IT RESOLVED, that the SFTHC Council hereby affirms that only the duly elected and seated Council Member and Treasurer possesses authority to access or possess SFTHC Council U.S. Bank account proceeds, or any other assets of the SFTHC Council; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the SFTHC Council hereby instructs former SFTHC Council President Mr. Jay Silva convey the proceeds or promise of payment of the U.S. Bank accounts that may be in his possession or control to the SFTHC Council Treasurer or collaborate with the Treasurer to cause the deposit of these proceeds to the Tlingit & Haida account pursuant to SFTHC Council directive, and failure to comply with the Council directive will cause the Council to refer a failure to comply to the Tlingit & Haida President and General Counsel for remedy.

ADOPTED this 11th day of December 2022, by the San Francisco Tlingit & Haida Community Council, by a vote of ___ yeas, ___ nays, ___ abstentions and ___ absences.

CERTIFICATION

Will Micklin, President

ATTEST

Donavin Hannon, Secretary