RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Directing Payment of 12% Distribution to Cities, Towns, or Counties from West Valley Resort Gaming Revenues)

RESOLUTION NO. 15-341

WHEREAS, the Legislative Council is vested with the power to "consult, negotiate and conclude agreements and contracts on behalf of the Tohono O'odham Nation with Federal, State and local governments and other Indian tribes or their departments, agencies, or political subdivisions, or with private persons or organizations on all matters within the authority of the Tohono O'odham Council" (Constitution of the Tohono O'odham Nation, Article VI, Section 1(f)); and

WHEREAS, pursuant to the Indian Gaming Regulatory Act, Class III gaming activities on Indian lands must be authorized by tribal law and "conducted in conformance with a Tribal-State compact entered into by the Indian tribe and the State" (25 U.S.C.A. § 2710(d)(1)); and

WHEREAS, by Resolution No. 02-562, the Legislative Council approved a Class III Tohono O'odham Nation-State of Arizona Gaming Compact (the "Gaming Compact"); and

WHEREAS, pursuant to Section 12 of the Gaming Compact, the Nation agreed to make certain tribal contributions from its Class III net gaming revenues in consideration for substantial exclusivity covenants by the State and for "the necessary costs incurred by the State as a result of the State's performance of its rights or duties under the terms of this Compact." (Gaming Compact Section 1(a)); and

WHEREAS, the Nation also agreed to contribute 12% of its total annual contribution (the "12% Distribution") "to cities, towns or counties for government services that benefit the general public, including public safety, mitigation of impacts of gaming, or promotion of commerce and economic development" (Gaming Compact Section 12(d)); and

WHEREAS, Section 7(d) of the Tohono O'odham Gaming Enterprise Charter, 16 T.O.C. Chapter 2, directs the Gaming Enterprise to timely pay the contribution required under Section 12(d) of the Compact in accordance with the directives of the Legislative Council. The Enterprise shall comply with all accounting, auditing and record keeping
resolutions and obligations of the Nation under the Compact relating
to the payment of regulatory costs and tribal contributions as required
under Section 12 of the Compact.
; and
whereas, certain Arizona officials have taken improper actions in an effort to block
gaming at the West Valley Resort; and
whereas, these officials' action are injurious to the State of Arizona, which receives
substantial contributions from Class III gaming revenues; and
whereas, despite State officials' actions, the Nation is committed to pursuing Class III
gaming at the West Valley Resort and to ensuring that Arizona citizens, cities,
towns, and counties continue benefiting from the economic development,
employment, contributions, and numerous other benefits received from the
West Valley Resort's construction and operation; and
whereas, the Economic Development Delegation, Commerce Committee, and Budget and
Finance Committee support distributions of West Valley Resort gaming
revenues to cities, towns, or counties for services that benefit the general public.
NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council directs the
Tohono O'odham Gaming Enterprise to timely pay from all net gaming revenues
generated at the West Valley Resort an amount equal to the 12% Distribution
under Section 12(d) of the Compact to cities, towns, or counties for services that
benefit the general public in accordance with the directives of the Legislative
Council; provided that the Enterprise shall remain in compliance with all
applicable loan agreements and further provided that when Class III gaming is
conducted at West Valley Resort, the 12% Distribution shall be made in
accordance with the Gaming Compact.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09TH
day of SEPTEMBER, 2015 at a meeting at which a quorum was present with a vote of 3,021,4
FOR; 0- AGAINST; 0- NOT VOTING; and 02 ABSENT, pursuant to the powers vested in the
Council by Article VI, Section 1(d)(2)and(l) 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
RESOLUTION NO. 15-341
(Directing Payment of 12% Distribution to Cities, Towns, or Counties from West Valley Resort Gaming Revenues)
Page 3 of 4

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin, Legislative Chairman

9 day of September, 2015

ATTEST:

Evonne Wilson, Legislative Secretary

9 day of September, 2015

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the ___ day of September, 2015 at 7:10 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'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin, Legislative Chairman

on the ___ day of September, 2015

at 7:19 o'clock, P.M.

EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION
RESOLUTION NO. 15-341
(Directing Payment of 12% Distribution to Cities, Towns, or Counties from West Valley Resort Gaming Revenues)
Page 4 of 4

Returned to the Legislative Secretary on the ___ day of __________, 2015, at ___ o'clock, ___ m.

Evonne Wilson, Legislative Secretary
RESOLUTION NO. 15-341

ACTION: DIRECTING PAYMENT OF 12% DISTRIBUTION TO CITIES, TOWNS, OR COUNTIES FROM WEST VALLEY RESORT GAMING REVENUES

MOVED: COUNCILMAN BILLMAN LOPEZ
SECOND: COUNCILWOMAN ETHEL GARCIA
DATE: SEPTEMBER 09, 2015

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<th>DISTRICT</th>
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