

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Authorizing the Tohono O'odham Gaming Enterprise to Extend the Term of the**  
**Sinking Fund Authorized by Resolution No. 17-210)**

**RESOLUTION NO. 19-171**

1 **WHEREAS, the Tohono O'odham Gaming Enterprise (the "Gaming Enterprise") is established**  
2 **pursuant to Article VI of the Constitution of the Tohono O'odham Nation as the**  
3 **tribal enterprise responsible for operating the Nation's gaming facilities and**  
4 **conducting gaming activities in compliance with the requirements of the**  
5 **Ordinance for the Regulation of Gaming Activities within the Tohono O'odham**  
6 **Nation, Ordinance No. 93-01, as amended (16 Tohono O'odham Code Chapter 1);**  
7 **and**

8 **WHEREAS, the Legislative Council adopted the Charter of the Tohono O'odham Gaming**  
9 **Enterprise (the "Charter") by Resolution No. 93-311, as amended by Resolution**  
10 **No. 02-294, Resolution No. 03-231, Resolution No. 04-513, Resolution No. 15-062,**  
11 **and Resolution No. 17-408 (16 Tohono O'odham Code Chapter 2); and**

12 **WHEREAS, the Charter authorizes the Gaming Enterprise, with the prior approval of the**  
13 **Legislative Council, "to create a sinking fund for capital expenditures such as**  
14 **remodeling or additions, equipment acquisitions, expansion, and new**  
15 **construction" (Charter, Section 7(c)); and**

16 **WHEREAS, by Resolution No. 17-210 the Legislative Council authorized the Gaming**  
17 **Enterprise to create a sinking fund, provided that the sinking fund authorization**  
18 **will expire (sunset) on September 30, 2019; and**

19 **WHEREAS, the Gaming Enterprise has proposed extending the term of the sinking fund**  
20 **authorized by Resolution No. 17-210 from funds retained from the Gaming**  
21 **Enterprise's operations in fiscal years 2017 through 2022 as set forth in the**  
22 **Tohono O'odham Gaming Enterprise Revised Sinking Fund Proposal, which is**  
23 **incorporated by this reference; and**

24 **WHEREAS, Gaming Enterprise Management Board on May 15, 2019 reviewed the Proposed**  
25 **Plan for the revised Sinking Fund and adopted a resolution approving the Plan**  
26 **and seeking authorization by the TOLC to extend the term of the sinking fund**  
27 **through September 30, 2022; and**

28 **WHEREAS, the Commerce and the Budget and Finance Committees reviewed the Tohono**  
29 **O'odham Gaming Enterprise Revised Sinking Fund Proposal and recommend its**  
30 **approval.**

31 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that:**

- 32 **1. The Tohono O'odham Legislative Council approves the Gaming**  
33 **Enterprise's extension of the term of the sinking fund, authorized by**  
34 **Resolution No. 17-210, that authorized the Gaming Enterprise to retain the**

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1 funds from fiscal years 2017, 2018, and to continue retaining funds from  
2 fiscal years 2019, 2020, 2021 and 2022 from the Gaming Enterprise's  
3 operations as set forth in the Tohono O'odham Gaming Enterprise Revised  
4 Sinking Fund Proposal.

5 2. The Gaming Enterprise shall use the sinking fund solely for the purposes  
6 set forth in the Tohono O'odham Gaming Enterprise Revised Sinking Fund  
7 Proposal, unless the Gaming Enterprise first obtains approval by  
8 Legislative Council resolution to use the funds for other purposes.

9 3. If the Gaming Enterprise desires to use some or all of the sinking fund for  
10 a purpose other than for the purposes set forth in the Tohono O'odham  
11 Gaming Enterprise Revised Sinking Fund Proposal, the Gaming  
12 Enterprise will give written notice to the Nation's chairperson and the  
13 Legislative oversight committees before seeking the Legislative Council's  
14 approval to use the funds for another purpose.

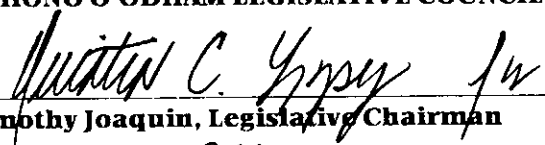
15 4. The Gaming Enterprise will report the sinking fund balance, deposits,  
16 uses and expenditures and any effect on distributions during regularly  
17 scheduled financial updates to the Legislative Council oversight  
18 committees and the Nation's chairperson and treasurer, and upon written  
19 request by the oversight committees or chairperson.

20 5. The Gaming Enterprise's authority to retain funds in the sinking fund will  
21 expire on September 30, 2022 unless the term of the sinking fund is  
22 extended by Legislative Council resolution on or before that date.

23 6. The Tohono O'odham Gaming Enterprise Revised Sinking Fund Proposal  
24 shall remain confidential and shall not be disclosed except internally as  
25 required to carry out the functions of the Charter.

26 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 16<sup>TH</sup>  
27 day of MAY, 2019 at a meeting at which a quorum was present with a vote of 2,591.9 FOR; -0-  
28 AGAINST; -0- NOT VOTING; and 492.7 [07] ABSENT, pursuant to the powers vested in the Council  
29 by Article VI, Section 1(d) and 1(e) of the Constitution of the Tohono O'odham Nation, adopted  
30 by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy  
31 Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the  
32 Act of June 18, 1934 (48 Stat.984).

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34 TOHONO O'ODHAM LEGISLATIVE COUNCIL

35  
36   
37 Timothy Joaquin, Legislative Chairman

38  
39 20 day of May, 2019  
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1 **ATTEST:**

2 Deanne Fran for  
3  
4 **Evonne Wilson, Legislative Secretary**

5  
6 20 day of May, 2019

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8 Said Resolution was submitted for approval to the office of the Chairman of the Tohono  
9 O'odham Nation on the 20 day of May, 2019 at 11:15 o'clock, A.m.,  
10 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become  
11 effective upon his approval or upon his failure to either approve or disapprove it within 48  
12 hours of submittal.

13  
14 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

15 Timothy C. Joaquin for  
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18 **Timothy Joaquin, Legislative Chairman**

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23  **APPROVED**

on the 21 day of May, 2019

24  
25  **DISAPPROVED**

at 9:15 o'clock, A.m.

26  
27 Edward D. Manuel  
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29 **EDWARD D. MANUEL, CHAIRMAN**  
30 **TOHONO O'ODHAM NATION**

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35 Returned to the Legislative Secretary on the 21 day of

36 May, 2019, at 10:34 o'clock, A.m.

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39 Deanne Fran for  
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41 **Evonne Wilson, Legislative Secretary**

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**ACTION:** AUTHORIZING THE TOHONO O'ODHAM GAMING ENTERPRISE TO EXTEND THE TERM OF THE SINKING FUND AUTHORIZED BY RESOLUTION NO. 17-210

**Moved:** COUNCILWOMAN LORETTA LEWIS

**SECOND:** COUNCILWOMAN JANICE FELIX

**DATE:** MAY 16, 2019

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 235.8	1. MARY LOPEZ ( )	117.9				X
	2. LUCINDA ALLEN ( <i>Absent</i> ) (Yolonda Garcia) ( <i>Present</i> )	117.9				X
SELLS 527.2	1. ARTHUR WILSON (Evelyn Juan Manuel)	263.6	X			
	2. ADRIANNE TILLER ( )	263.6	X			X
SCHUK TOAK 185.7	1. ANTHONY J. FRANCISCO JR. (Teresa F. Donahue)	92.85	X			
	2. QUINTIN C. LOPEZ ( <i>Absent</i> ) (Agnes V. Joaquin) ( <i>Present</i> )	92.85	X			
SAN XAVIER 232.3	1. DANIEL L.A. PRESTON III (Felicia Nunez)	116.15	X			
	2. JANICE FELIX (Adam Andrews)	116.15	X			
SAN LUCY 231.1	1. JANA MONTANA (Diana Manuel)	115.55	X			
	2. GLORIA RAMIREZ (Lorraine Eiler)	115.55	X			
PISINEMO 225.9	1. CHESTER ANTONE ( <i>Absent</i> ) (Caroline D. Garcia) ( <i>Present</i> )	112.95	X			X
	2. MONICA K. MORGAN ( )	112.95	X			
HICKIWAN 209.0	1. LOUIS R. LOPEZ (Shirley Molina)	104.5	X			
	2. SANDRA D. ORTEGA ( )	104.5	X			X
GU VO 256.9	1. GRACE MANUEL ( )	128.45				X
	2. DALLAS LEWIS (Nacho Flores)	128.45				X
GU ACHI 270.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	135.45	X			
	2. LORETTA LEWIS (Victoria Hobbs)	135.45	X			
CHUKUT KUK 337.7	1. BILLMAN LOPEZ (Patricia Antone)	168.85	X			
	2. VIVIAN JUAN-SAUNDERS (Juanita Homer)	168.85	X			
BABOQUIVARI 372.1	1. FRANCES MIGUEL (Roberta E. Harvey)	186.05	X			
	2. LEANDER MASE (Francine Schooling)	186.05	X			
TOTAL		3,084.6	2,591.9	-0-	-0-	492.7 [07]