

TITLE 26 - FINANCE

CHAPTER 1 - FINANCE CODE

ARTICLE 3 - GAMING REVENUE DISTRIBUTION FORMULA AND DISTRICT ALLOCATION GUIDELINES

Legislative History: The formula for distributing the Nation's gaming revenues was established pursuant to Resolution No. 94-098, "Authorizing Gaming Revenue Distribution Formula," as amended; codified by Resolution No. 06-535 as Section 1301 of Tohono O'odham Code Title 26, Chapter 1, Article 3; amended by Resolution No. 08-060 (approving incremental reductions in "Host District Share" portion of Formula); amended by Resolution No. 13-267 (amending Gaming Revenue Formula allocation under subsections 1301(A) and (B) for fiscal years 2014 and 2015 effective August 1, 2013; amendments are set to expire September 30, 2015 and subsections 1301(A) and (B) of the Gaming Revenue Formula allocation shall revert to the allocation percentages in effect on May 1, 2013); amended by Resolution No. 14-345 (extending the expiration date of the amendments made by Resolution No. 13-267 to the Gaming Revenue Formula allocation under Section 1301 through fiscal year 2017 and from September 30, 2015 to September 30, 2017, provided that on October 1, 2017 Section 1301 of the Gaming Revenue Distribution Formula allocation shall revert to the allocation percentages in effect on May 1, 2013); amended by Resolution No. 17-009 (amends Gaming Revenue Distribution Formula to restore subsection 1301(A) allocation for long-term investments from 0% to 12% and to reduce subsection 1301(B) allocation from 100% to 88% effective October 1, 2017; supersedes provisions of Resolution No. 14-345).

Pursuant to Resolution No. 08-060, the Host District Share percentage under Section 1301(B)(ii)(a) was amended to 25% for the period from August 1, 2008 through July 31, 2009. The Host District Share percentage effective August 1, 2009 through July 31, 2010 shall be amended from 25% to 20%. The Host District Share percentage effective August 1, 2010 shall be amended from 20% to 15%.

The guidelines for expenditure of the District Allocation portion of the Nation's gaming revenues were established by Resolution No. 95-397, "Re-establishing Guidelines for Expenditure of the District Allocation of Gaming Revenue"; codified by Resolution No. 06-535 as Sections 1302-1307 of Tohono O'odham Code Title 26, Chapter 1, Article 3.

TITLE 26 - FINANCE CODE

CHAPTER 1 - FINANCE CODE

**ARTICLE 3 - GAMING REVENUE DISTRIBUTION FORMULA AND
DISTRICT ALLOCATION GUIDELINES**

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TITLE 26 – FINANCE

CHAPTER 1 - FINANCE CODE

ARTICLE 3 - GAMING REVENUE DISTRIBUTION FORMULA AND DISTRICT ALLOCATION GUIDELINES

Section 1301 Formula.¹

The following formula is hereby established for purposes of allocating all revenue from Gaming Facilities paid to the Nation by the Gaming Enterprise pursuant to Section 7(e) of the Gaming Enterprise Charter (hereinafter referred to as ‘Gaming Revenues’):

(A) Zero percent (0%) of all Gaming Revenues shall be allocated to a separate account, and segregated from all other sources of revenue, for purposes of making long-term investments in accordance with the Nation’s Financial Investment Policy. All interest derived therefrom shall be reinvested in like manner. Following consultation with the Districts, the Legislative Council may, by resolution or ordinance, authorize disbursement of funds from such long-term investment accounts.

(B) One-hundred percent (100%) of all Gaming Revenues shall be allocated as follows:

(1) Seventy (70%) of such amount shall be allocated to the Nation’s general fund for purposes of appropriation as authorized by the Nation’s Constitution and in accordance with the Gaming Ordinance.

(2) Thirty percent (30%) of such amount shall be allocated to the Districts (hereinafter referred to as the ‘District Allocation’) in the following manner:

(a) Fifteen percent (15%) of the District Allocation shall be allocated to the District where the Gaming Facility which generated such revenue is located.

(b) The remainder of the District Allocation shall be divided among all eleven Districts of the Nation.

Section 1302 District Allocation.

The District Allocation shall be allocated to a separate account and segregated from all other sources of revenue, shall be held for the benefit of the respective Districts, and shall only be

¹ This amendment shall expire September 30, 2017 and effective October 1, 2017 subsections 1301(A) and (B) of the Gaming Revenue Formula allocation shall revert to the allocation percentages in effect on May 1, 2013.

made available for expenditure by authorization of the Legislative Council in accordance with Article IX, Section 7 of the Nation's Constitution.

Section 1303 Guidelines.

The Budget and Finance Committee and the Commerce Committee shall develop guidelines for approved expenditures of the District Allocation for Gaming Revenues for purposes of providing guidance to the Districts in developing budgets and appropriate audit and internal control procedures required for all Districts expending Gaming Revenues, in accordance with the Indian Gaming Regulatory Act, the Nation's Gaming Ordinance, and the Nation's Constitution.

Section 1304 District Allocation Expenditures.

Annually, on August 1, the District Allocation (as that term is used in Article 3 of this Chapter) shall be apportioned to the separate District accounts in accordance with the allocation formula established by the Legislative Council and shall be made available for expenditure subject to:

- (A) budgets approved in accordance with Article VI, Section 1(d)(2) of the Nation's Constitution and Section 302 of the Gaming Ordinance;
- (B) actual expenditures which have been budgeted for, and expended in compliance with, Article IX, Section 7 of the Nation's Constitution and Section 302 of the Gaming Ordinance;
- (C) an annual audit of each District's books of accounts and activities for compliance with the requirements of this Article, the Nation's Constitution and Section 302 of the Gaming Ordinance, as more fully identified below; and
- (D) the establishment and maintenance of a system of internal controls, a more fully identified below.

Section 1305 Annual Audits.

Each District's book of accounts and activities shall be audited annually by the independent certified public accountants retained by the Nation to prepare the Nation's annual audit. To facilitate the completion of such audits, each District shall make and maintain complete, accurate and legible records of all financial transactions of the District. Each District shall maintain general accounting records on a double-entry system of accounting with detailed, supporting subsidiary records sufficient to furnish the information required for the standard financial reports to adequately reflect gross income and expenses. Such records as well as all original entry transaction records shall be maintained for at least five years from the date on which they are made. The auditors shall submit to the Chairperson of the Nation an audit report expressing an unqualified or qualified opinion, or, if appropriate, disclaim an opinion of the statement taken as a whole in accordance with generally accepted auditing standards of the accounting profession. The examination and audit shall disclose whether the accounts, records,

expenditures and internal controls and accounting procedures maintained by the District are in compliance with this Article, Section 302 of the Gaming Ordinance, and the Nation's Constitution.

Section 1306 Internal Controls.

Each District shall establish and maintain a system of internal controls to safeguard assets, check the accuracy and reliability of accounting data, and promote operational efficiency. Such system of internal controls must provide for an appropriate segregation of functional responsibilities and sound practices to be followed in the performance of those duties by competent and qualified personnel. Such system of internal controls must permit reasonable assurance the following objectives will be maintained:

- (A) safeguarding of assets;
- (B) reliability of financial records;
- (C) execution of transactions in accordance with the District Council's general or specific authorization;
- (D) recording of transactions as necessary to permit recording of revenue and to maintain accountability for assets;
- (E) access to assets only in accordance with the lawful authorization of District Council;
- (F) comparison of records of assets with existing assets at reasonable intervals with provision for appropriate action with respect to any differences; and
- (G) compliance with this Article, Section 302 of the Gaming Ordinance and the Nation's Constitution.

Section 1307 Reporting Distributions to Nation.

The Gaming Enterprise is hereby directed to separately report by Gaming Facility location all sums paid to the Nation pursuant to Section 7(e) of the Gaming Enterprise Charter.

Section 1308 Interpretation.

- (A) Section 1301 of this Article formerly appeared within Resolution No. 94-098, as amended, and any references within the Tohono O'odham Code or the other laws of the Nation to the provisions of Resolution No. 94-098 or its amendments shall be construed as referring to the corresponding, renumbered provisions of Section 1301.
- (B) Sections 1302-1307 of this Article formerly appeared within Resolution No. 95-397 and any references within the Tohono O'odham Code or the other laws of the Nation to the

provisions of Resolution No. 95-397 shall be construed as referring to the corresponding, renumbered provisions of Sections 1302-1307.

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Codifying Gaming Revenue Distribution Formula Adopted Pursuant to Resolution No. 94-098,
as Amended, and District Allocation Guidelines Adopted Pursuant to Resolution No. 95-397,
Article 3, Chapter One of Tohono O'odham Code Title 26 - Finance)

RESOLUTION NO. 06-535

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Tohono O'odham Legislative**
2 **Council with broad legislative and fiscal powers, including the power "to manage any**
3 **funds within the exclusive control of the Tohono O'odham Nation, including proceeds**
4 **derived from lands and resources of the Tohono O'odham Nation" (Constitution,**
5 **Article VI, Section 1(d)(2)); and**

6 **WHEREAS, pursuant to Resolution No. 83-88, "Adoption of Budget and Finance Committee's Plan**
7 **of Operation," the Legislative Council Budget and Finance Committee is delegated the**
8 **power to "review and recommend legislative measures or action to the Legislative**
9 **Council . . . affecting general revenue sharing" (Plan of Operation, Section 1(b)(6)(ii));**
10 **and**

11 **WHEREAS, pursuant to Resolution No. 06-466, the Tohono O'odham Legislative Council directed**
12 **the Budget and Finance Committee "to develop a Finance Code to protect the Nation's**
13 **financial integrity while allowing business to be conducted in an efficient and timely**
14 **manner"; and**

15 **WHEREAS, the distribution of the Nation's gaming revenues is governed by the formula**
16 **established pursuant to Resolution No. 94-098, "Authorizing Gaming Revenue**
17 **Distribution Formula," as amended; and**

18 **WHEREAS, the expenditure of the District Allocation portion of the Nation's gaming revenues is**
19 **governed by the guidelines set forth in Resolution No. 95-397, "Re-establishing**
20 **Guidelines for Expenditure of the District Allocation of Gaming Revenue"; and**

21 **WHEREAS, although the name of the Nation's gaming entity was changed to the "Tohono O'odham**
22 **Gaming Enterprise" by Resolution No. 04-513, Resolution No. 94-098 and Resolution**
23 **No. 95-397 retain outdated references to the Nation's "Gaming Authority"; and**

24 **WHEREAS, Resolution No. 94-098, as amended, and Resolution No. 95-397 also contain outdated**
25 **references to Section 7(d) of the current Gaming Enterprise Charter as a basis for**
26 **making distributions of gaming revenues to the Nation; and**

27 **WHEREAS, as a result of Charter amendments made to comply with the Nation's new tribal-state**
28 **gaming compact, Charter Section 7(e), and not Section 7(d), currently governs gaming**
29 **revenue distributions to the Nation (Resolution No. 03-231); and**

RESOLUTION NO. 06-535

(Codifying Gaming Revenue Distribution Formula Adopted Pursuant to Resolution No. 94-098, as Amended, and District Allocation Guidelines Adopted Pursuant to Resolution No. 95-397, Article 3, Chapter One of Tohono O'odham Code Title 26 - Finance)

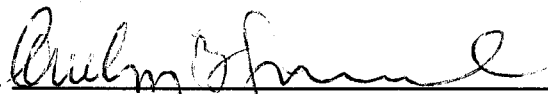
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1 **WHEREAS, it is in the Nation's best interest to correct the above-noted references and to codify**
2 **the existing formula and guidelines as set forth in Tohono O'odham Code Title 26 -**
3 **Finance Code, Chapter One - Finance, Article 3, Gaming Revenue Distribution Formula**
4 **and District Allocation, which is hereby incorporated by this reference, without**
5 **amending the gaming revenue distribution formula percentages or methodology.**

6 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that Tohono**
7 **O'odham Code Title 26 - Finance Code, Chapter One - Finance, Article 3, Gaming**
8 **Revenue Distribution Formula and District Allocation, is hereby adopted and shall**
9 **supercede and replace Resolution No. 94-098, as amended, and Resolution No. 95-397,**
10 **provided that any references in the laws of the Nation to the provisions of such**
11 **resolutions or their amendments shall be construed as referring to the**
12 **corresponding, renumbered sections of Tohono O'odham Code Title 26, Chapter One,**
13 **Article 3.**

14 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10TH. Day**
15 **of AUGUST, 2006 at a meeting at which a quorum was present with a vote of 2,247.0 FOR; -0-**
16 **AGAINST; 193.8 NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by**
17 **Section 1(d)(2) and 1(e) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted**
18 **by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
19 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
20 **18, 1934 (48 Stat. 984).**

21 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

22 

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25 **Evelyn B. Juan Manuel, Legislative Chairwoman**

26
27 17th day of August, 2006

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29 **ATTEST:**

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33 **Lucille Lopez, Acting Legislative Secretary**

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35 10 day of August, 2006.

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37 **Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono**
38 **O'Odham Nation on the 17th day of August, 2006 at 4:37 o'clock,**
39 **P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
40 **effective upon her approval or upon her failure to either approve or disapprove it within 48 hours**
41 **of submittal.**

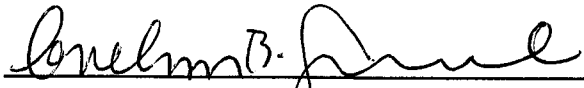
RESOLUTION NO. 06-535

(Codifying Gaming Revenue Distribution Formula Adopted Pursuant to Resolution No. 94-098, as Amended, and District Allocation Guidelines Adopted Pursuant to Resolution No. 95-397, Article 3, Chapter One of Tohono O'odham Code Title 26 - Finance)

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Evelyn B. Juan Manuel, Legislative Chairwoman

APPROVED

on the 18th day of August, 2006

DISAPPROVED

at 8:10 o'clock, A.M.




VIVIAN JUAN-SAUNDERS, CHAIRWOMAN

TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 18 day of

August, 2006, at 8:20 o'clock, A.M.



Lucille Lopez, Acting Legislative Secretary

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending Gaming Revenue Distribution Formula to Reduce Host District Share
and Increase Gaming Revenue Allocations to All Districts)**

RESOLUTION NO. 08-060

- 1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Tohono O'odham Legislative**
2 **Council with broad legislative and fiscal powers, including the power "to manage any**
3 **funds within the exclusive control of the Tohono O'odham Nation, including proceeds**
4 **derived from lands and resources of the Tohono O'odham Nation" (Constitution,**
5 **Article VI, Section 1(d)(2)); and**
- 6 **WHEREAS, the Legislative Council has adopted and repeatedly amended a Gaming Revenue**
7 **Distribution Formula as a method for allocating the Nation's gaming revenues to the**
8 **Nation's general fund, long-term investments, and the Nation's eleven districts (the**
9 **"District Allocation") (Tohono O'odham Code Title 26, Chapter One, Article 3, Section**
10 **1301); and**
- 11 **WHEREAS, Section 1301(B)(ii)(a) of the Gaming Revenue Distribution Formula currently provides**
12 **that "Thirty (30%) of the District Allocation shall be allocated to the District where the**
13 **Gaming Facility which generated such revenue is located" ("Host District Share"); and**
- 14 **WHEREAS, Section 1301(B)(ii)(b) of Gaming Revenue Distribution Formula further provides that**
15 **the "remainder of the District Allocation shall be divided among all eleven Districts**
16 **of the Nation"; and**
- 17 **WHEREAS, on July 18, 2006 a majority of the Legislative Council voted to delete the Host District**
18 **Share but the resolution was vetoed and did not take effect ((vetoed) Resolution No. 06-**
19 **496); and**
- 20 **WHEREAS, pursuant to Resolution No. 06-509, the Legislative Council authorized the Legislative**
21 **Budget and Finance and Commerce Committees, with the Nation's Chairperson, and**
22 **in consultation with the Accounting Department, to consult with the San Xavier and**
23 **Hickiwan Districts concerning reductions in the Host District Share portion of the**
24 **Gaming Revenue Distribution Formula and increased allocations to all the Nation's**
25 **Districts; and**
- 26 **WHEREAS, the Legislative Council subsequently directed the Committees to conclude the Host**
27 **District Share consultations and submit a draft resolution to amend the Gaming**
28 **Revenue Distribution Formula to the Legislative Council no later than February 2008**
29 **(Resolution No. 07-464, "Extending Consultation on Host District Share Reductions and**
30 **Increases in Gaming Revenue Allocations to All Districts"); and**

RESOLUTION NO. 08-060

(Amending Gaming Revenue Distribution Formula to Reduce Host District Share and Increase Gaming Revenue Allocations to All Districts)

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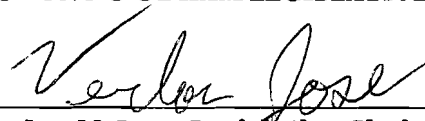
1 **WHEREAS, the Committees have presented to the Legislative Council options for amending the**
2 **Host District Share percentage.**

3 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby amends**
4 **Tohono O'odham Code Title 26, Chapter One, Article 3, Section 1301(B)(ii)(a) as follows:**

- 5 **1. Effective for the period from August 1, 2008 through July 31, 2009, the Section**
6 **1301(B) (ii)(a) Host District Share percentage shall be amended from "Thirty**
7 **percent (30%)" to "Twenty-five percent (25%)".**
- 8 **2. Effective for the period from August 1, 2009 through July 31, 2010, the Section**
9 **1301(B)(ii)(a) Host District Share percentage shall be amended from "Twenty-five**
10 **percent (25%)" to "Twenty percent (20%)".**
- 11 **3. Effective August 1, 2010, the Section 1301(B)(ii)(a) Host District Share percentage**
12 **shall be amended from "Twenty percent (20%)" to "Fifteen percent (15%)".**

13 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07TH Day**
14 **of FEBRUARY, 2008 at a meeting at which a quorum was present with a vote of 1,350.35 FOR;**
15 **1,184.15 AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council**
16 **by Section 1 (d) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the**
17 **Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
18 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
19 **18, 1934 (48 Stat. 984).**

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21 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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24 _____
25 **Verlon M. Jose, Legislative Chairman**

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27 15 day of February, 2008

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29 **ATTEST:**

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33 **Lucille Lopez, Acting Legislative Secretary**

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35 07 day of February, 2008.

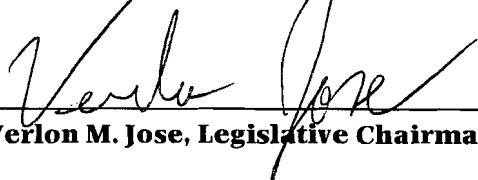
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37 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham**
38 **Nation on the 15 day of February, 2008 at 4:15 o'clock, P.M.,**
39 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
40 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
41 **submittal.**

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RESOLUTION NO. 08-060
(Amending Gaming Revenue Distribution Formula to Reduce Host District Share and Increase Gaming Revenue Allocations to All Districts)
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TOHONO O'ODHAM LEGISLATIVE COUNCIL

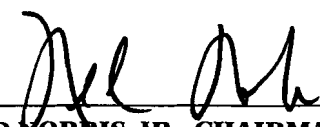

Verlon M. Jose, Legislative Chairman

APPROVED

on the 19 day of February, 2008

DISAPPROVED

at 6:25 o'clock, P.M.


NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 20 day of

February, 2008, at 9:07 o'clock, A.M.


Lucille Lopez, Acting Legislative Secretary

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending Subsections 1301(A) and (B) of 26 Tohono O'odham Code Chapter 1, Article 3 -
Gaming Revenue Distribution Formula and District Allocation Guidelines for Fiscal
Years 2014 and 2015)

RESOLUTION NO. 13-267

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Tohono O'odham Legislative**
2 **Council with broad legislative and fiscal powers, including the power "to manage any**
3 **funds within the exclusive control of the Tohono O'odham Nation, including proceeds**
4 **derived from lands and resources of the Tohono O'odham Nation" (Constitution,**
5 **Article VI, Section 1(d)(2)); and**

6 **WHEREAS, the Legislative Council Budget and Finance Committee is delegated the power to**
7 **"review and recommend [to the Legislative Council] legislative measures or actions**
8 **affecting . . . general revenue sharing" (Plan of Operation, Section III.B.16(ii)); and**

9 **WHEREAS, by Resolution No. 06-535, the Legislative Council codified within the Tohono O'odham**
10 **Code the Gaming Revenue Distribution Formula and District Allocation Guidelines**
11 **enacted by Resolution No. 94-098, as amended, and Resolution No. 95-397 (26 Tohono**
12 **O'odham Code Chapter 1, Article 3); and**

13 **WHEREAS, the Formula and Guidelines were "established for purposes of allocating all revenue**
14 **from Gaming Facilities paid to the Nation by the Gaming Enterprise pursuant to**
15 **Section 7(e) of the Gaming Enterprise Charter (hereinafter referred to as 'Gaming**
16 **Revenues") (26 Tohono O'odham Code Chapter 1, Article 3, Section 1301); and**

17 **WHEREAS, the Formula currently allocates 30% of Gaming Revenues to long-term investments**
18 **and an aggregate of 70% to the Nation's general fund and the District Allocation**
19 **(subsections 1301(A) and (B)); and**

20 **WHEREAS, as a temporary measure to support government operations and services to Nation's**
21 **members, the Budget and Finance Committee recommends allocating 100% of Gaming**
22 **Revenues under 1301(B) to the Nation's general fund and the District Allocation for**
23 **Fiscal Years 2014 and 2015 in accordance with the Gaming Revenue Distribution**
24 **Formula and District Allocation Guidelines Fiscal Year 2014-2015 Amendment, which**
25 **is incorporated by this reference.**

26 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that Section 1301**
27 **of 26 Tohono O'odham Code, Chapter 1, Article 3, Gaming Revenue Distribution**
28 **Formula and District Allocation Guidelines, is hereby amended effective August 1,**
29 **2013 to allocate 100% of Gaming Revenues to the subsection 1301(B) allocation and to**

RESOLUTION NO. 13-267

(Amending Subsections 1301(A) and (B) of 26 Tohono O'odham Code Chapter 1, Article 3 - Gaming Revenue Distribution Formula and District Allocation Guidelines for Fiscal Years 2014 and 2015)
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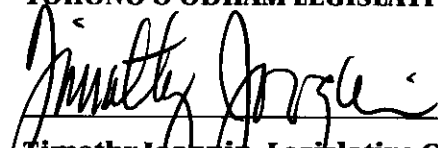
1 **suspend the allocation to subsection 1301(A) investments for Fiscal Years 2014 and**
2 **2015 in accordance with the Gaming Revenue Distribution Formula and District**
3 **Allocation Guidelines Fiscal Year 2014-2015 Amendment.**

4 **BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that the remaining**
5 **provisions of subsection 1301(A) shall remain in effect and the Nation's long-term**
6 **investments shall be invested, any interest shall be reinvested, and such funds may be**
7 **disbursed in accordance with the Nation's Financial Investment Policy and the**
8 **provisions of subsection 1301(A).**

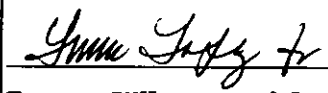
9 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the Gaming Revenue**
10 **Distribution Formula and District Allocation Guidelines Fiscal Year 2014-2015**
11 **Amendment approved by this resolution shall expire September 30, 2015 and Section**
12 **1301 of the Gaming Revenue Distribution Formula allocation shall revert to the**
13 **allocation percentages in effect on May 1, 2013.**

14 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 18TH Day**
15 **of JULY, 2013 at a meeting at which a quorum was present with a vote of 2,121.85 FOR; 824.65**
16 **AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article**
17 **VI, Section 1 (d)(2) and 1(e) of the Constitution of the Tohono O'odham Nation, adopted by the**
18 **Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
19 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
20 **18, 1934 (48 Stat. 984).**

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23 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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27 **Timothy Joaquin, Legislative Chairman**
28 19 day of July, 2013

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30 **ATTEST:**

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33 **Evonne Wilson, Legislative Secretary**
34 19 day of July, 2013.

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RESOLUTION NO. 13-267

(Amending Subsections 1301(A) and (B) of 26 Tohono O'odham Code Chapter 1, Article 3 - Gaming Revenue Distribution Formula and District Allocation Guidelines for Fiscal Years 2014 and 2015)
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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 19 day of July, 2013 at 1:35 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

APPROVED
 DISAPPROVED

on the 23 day of July, 2013
at 11:00 o'clock, A.M.


NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 23 day of July, 2013, at 12:03 o'clock, P.M.


Evonne Wilson, Legislative Secretary

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Extending Amendments to Section 1301 of 26 Tohono O'odham Code Chapter 1,
Article 3 – Gaming Revenue Distribution Formula and District Allocation
Guidelines Through Fiscal Year 2017)**

RESOLUTION NO. 14-345

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Tohono O'odham**
2 **Legislative Council with broad legislative and fiscal powers, including the power**
3 **“to manage any funds within the exclusive control of the Tohono O'odham**
4 **Nation, including proceeds derived from lands and resources of the Tohono**
5 **O'odham Nation” (Constitution, Article VI, Section 1(d)(2)); and**

6 **WHEREAS, the Legislative Council Budget and Finance Committee is delegated the power to**
7 **“review and recommend [to the Legislative Council] legislative measures or**
8 **actions affecting...general revenue sharing” (Plan of Operation, Section**
9 **III.B.16(ii)); and**

10 **WHEREAS, by Resolution No. 06-535, the Legislative Council codified within the Tohono**
11 **O'odham Code the Gaming Revenue Distribution Formula and District**
12 **Allocation Guidelines enacted by Resolution No. 94-098, as amended, and**
13 **Resolution No. 95-397 (26 Tohono O'odham Code Chapter 1, Article 3); and**

14 **WHEREAS, the Formula and Guidelines were “established for purposes of allocating all**
15 **revenue from Gaming Facilities paid to the Nation by the Gaming Enterprise**
16 **pursuant to Section 7(e) of the Gaming Enterprise Charter (hereinafter referred**
17 **to as ‘Gaming Revenues’)” (26 Tohono O'odham Code Chapter 1, Article 3, Section**
18 **1301); and**

19 **WHEREAS, as a temporary measure to support government operations and services to**
20 **Nation's members, by Resolution No. 13-267 the Legislative Council amended**
21 **Section 1301 to allocate 100% of Gaming Revenues under subsection 1301(B) to**
22 **the Nation's general fund and the District Allocation for fiscal years 2014 and**
23 **2015; and**

24 **WHEREAS, based upon a continuing analysis and projections of government resources and**
25 **expenditures, the Budget and Finance Committee has determined it is in the**
26 **Nation's best interest to extend the expiration date of the amendments made by**
27 **Resolution No. 13-267 from September 30, 2015 to September 30, 2017.**

28 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that**
29 **amendments to section 1301 of 26 Tohono O'odham Code, Chapter 1, Article 3,**
30 **Gaming Revenue Distribution Formula and District Allocation Guidelines, made**

RESOLUTION NO. 14-345

(Extending Amendments to Section 1301 of 26 Tohono O'odham Code Chapter 1, Article 3 - Gaming Revenue Distribution Formula and District Allocation Guidelines Through Fiscal Year 2017)
Page 2 of 3

1 by Resolution No 13-267 are extended for an additional two years and shall
2 remain in effect until they expire on September 30, 2017, provided that on
3 October 1, 2017 Section 1301 of the Gaming Revenue Distribution Formula
4 allocation shall revert to the allocation percentages in effect on May 1, 2013.

5 **BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that the Budget and
6 Finance Committee in coordination with the Nation's treasurer is directed to
7 monitor the Nation's finances and make any additional recommendations to
8 amend the Gaming Revenue Distribution Formula and District Allocation
9 Guidelines or other Nation's laws that are in the best interest of the Nation and
10 its members.

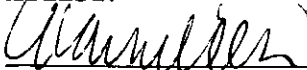
11 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07TH
12 day of AUGUST, 2014 at a meeting at which a quorum was present with a vote of 2,730.0 FOR;
13 216.5 AGAINST; [02] NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the
14 Council by Article VI, Section 1(d)(2) and 1(e) of the Constitution of the Tohono O'odham
15 Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the
16 Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to
17 Section 16 of the Act of June 18, 1934 (48 Stat.984).

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20 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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24 Timothy Joaquin, Legislative Chairman

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26 11 day of August, 2014

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28 **ATTEST:**


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31 Evonne Wilson, Legislative Secretary

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33 11 day of August, 2014

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35 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
36 O'odham Nation on the 11 day of August, 2014 at 2:21 o'clock, P.m.,
37 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
38 effective upon his approval or upon his failure to either approve or disapprove it within 48
39 hours of submittal.

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41 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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44 Timothy Joaquin, Legislative Chairman

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RESOLUTION NO. 14-345

(Extending Amendments to Section 1301 of 26 Tohono O'odham Code Chapter 1, Article 3 - Gaming Revenue Distribution Formula and District Allocation Guidelines Through Fiscal Year 2017)

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APPROVED

on the 11 day of August, 2014

DISAPPROVED

at 4:50 o'clock, P.m.



NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 12 day of

August, 2014, at 9:55 o'clock, A.m.



Evonne Wilson, Legislative Secretary