

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Adopting Per Capita Revenue Allocation Plan)

RESOLUTION NO. 09-136

1 **WHEREAS, the Constitution of the Tohono O'odham Nation provides that the "members of the**
2 **Tohono O'odham Nation reserve the power to independently propose ordinances,**
3 **resolutions or other legislation affecting the Tohono O'odham Nation" (Constitution,**
4 **Article XV); and**

5 **WHEREAS, on June 28, 1997, the Nation's voters approved Initiative IN-97-01, the "Tohono**
6 **O'odham Voice in the Use of Gaming Revenues" ("Initiative"), which authorizes per**
7 **capita payments to the Nation's members provided that sufficient gaming revenues**
8 **are available; and**

9 **WHEREAS, the Ordinance for the Regulation of Gaming Activities within the Tohono O'odham**
10 **Nation ("Gaming Ordinance") was subsequently amended to authorize per capita**
11 **distribution payments in accordance with the Initiative (Legislative Council**
12 **Resolution No. 97-303); and**

13 **WHEREAS, in accordance with the structure of the Initiative, per capita distributions may be**
14 **made if sufficient gaming revenues are available on December 26 in an odd-numbered**
15 **year; and**

16 **WHEREAS, sufficient net gaming revenues within the Nation's Savings Account are available to**
17 **make per capita distributions in accordance with the Initiative for the December 26,**
18 **2007 eligibility date; and**

19 **WHEREAS, under the Indian Gaming Regulatory Act ("Act"), 25 U.S.C. § 2701 et seq., net revenues**
20 **from class II or class III gaming activities conducted by an Indian tribe may be used**
21 **to make per capita payments only if (1) the tribe prepares a plan to allocate revenues**
22 **to uses authorized under the Act, (2) the plan is approved by the Secretary of the**
23 **Interior, (3) the interests of minors and other legally incompetent persons entitled to**
24 **a per capita payment are protected and preserved, and (4) the per capita payments are**
25 **subject to federal taxation and members are notified of any resulting tax liability (25**
26 **U.S.C. § 2710(b)(3)); and**

27 **WHEREAS, tribal revenue allocation plan regulations promulgated at 25 C.F.R. Part 290 further**
28 **require that such a tribal revenue allocation plan (1) contains a percentage**
29 **breakdown of the uses for which net gaming revenues will be allocated, (2) reserves an**
30 **adequate portion of the net gaming revenues for one or more of the purposes**
31 **permitted under the Act, and (3) contains detailed information to establish that it**
32 **complies with the Act and 25 C.F.R. Part 290, (4) authorizes the distribution of per**

1 ATTEST:

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4 *Lucille Lopez*
5 Lucille Lopez, Acting Legislative Secretary

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7 13 day of March, 2009.

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9 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham
10 Nation on the 17th day of March, 2009 at 3:32 o'clock, P.M.,
11 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
12 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
13 submittal.

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15 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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17 *Felicia Auney for*
18 Verlon M. Jose, Legislative Chairman

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22 APPROVED on the 18 day of March, 2009
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24 DISAPPROVED at 2:05 o'clock, P.M.

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27 *Ned Norris, Jr.*
28 NED NORRIS, JR., CHAIRMAN
29 TOHONO O'ODHAM NATION

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33 Returned to the Legislative Secretary on the 18 day of
34 March, 2009, at 3:15 o'clock, P.M.

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37 *Lucille Lopez*
38 Lucille Lopez, Acting Legislative Secretary

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ACTION: ADOPTING PER CAPITA REVENUE ALLOCATION PLAN

MOVED: COUNCILWOMAN FRANCES G. ANTONE

SECOND: COUNCILMAN TIMOTHY JOAQUIN

DATE: MARCH 13, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (Vernon Smith)	158.45	X			
CHUKUT KUK 264.8	1. ETHEL GARCIA ()	132.40	X			
	2. VERLON M. JOSE ()	132.40	X			X
GU ACHI 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ()	113.95	X			
GU VO 199.2	1. GRACE MANUEL ()	99.60	X			
	2. RAYMOND VICTOR ()	99.60	X			X
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00	X			
	2. SANDRA ORTEGA ()	86.00	X			X
PISINEMO 182.4	1. CHESTER ANTONE (Tony Murrietta)	91.20	X			
	2. GERALD FAYUANT ()	91.20	X			
SAN LUCY 181.1	1. LORRAINE EILER ()	90.55	X			
	2. GLORIA RAMIREZ ()	90.55	X			
SAN XAVIER 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			
SCHUK TOAK 154.6	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
SELLS 444.7	1. KIMBERLY LISTO ()	222.35	X			
	2. EVELYN B. JUAN MANUEL ()	222.35	X			
SIF OIDAK 194.4	1. WAVALENE ROMERO ()	97.20	X			
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	2,534.5	-0-	-0-	[03]

**PASSED VOTES