

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Repealing Resolution No. 94-098 and Adopting a New Gaming Revenue  
Distribution Formula)**

**DEFEATED  
RESOLUTION NO. 01-445**

1 **WHEREAS, the Tohono O'odham Legislative Council enacted the Ordinance for the Regulation of**  
2 **Gaming Activities within the Tohono O'odham Nation (the "Nation") pursuant to**  
3 **Resolution No. 93-296, as amended by Resolution Nos. 97-168, 97-303 and 99-206 (the**  
4 **"Gaming Ordinance"), which authorized the conduct of Gaming Activities (as that term**  
5 **is defined in the Gaming Ordinance); and**

6 **WHEREAS, Section 302 of the Gaming Ordinance requires that net revenues received by the**  
7 **Nation from all Gaming Activities be utilized for funding government operations or**  
8 **programs of the Nation or Districts, providing for the general welfare of the Nation and**  
9 **its members, promoting the Nation's economic development, benefitting charitable**  
10 **organizations providing services within the Nation, and making per capita payments**  
11 **to enrolled members of the Nation, subject to compliance with all applicable laws of**  
12 **the United States and the Nation; and**

13 **WHEREAS, by Resolution No. 93-311, the Nation adopted a Charter which established the Tohono**  
14 **O'odham Gaming Authority ("Gaming Authority") as the enterprise of the Nation**  
15 **charged with managing and operating all Gaming Facilities (as that term is defined in**  
16 **the Gaming Ordinance); and**

17 **WHEREAS, by Resolution No. 94-098, the Legislative Council adopted a formula (the "1994**  
18 **Formula") to allocate all revenue from Gaming Facilities paid to the Nation by the**  
19 **Gaming Authority pursuant to Section 7(d) of the Gaming Authority Charter (the**  
20 **"Gaming Revenues"); and**

21 **WHEREAS, it is in the Nation's best interest to repeal Resolution 94-098 and modify the 1994**  
22 **Formula to better meet the needs of its members.**

23 **NOW, THEREFORE, BE IT RESOLVED THAT:**

- 24 **1. Resolution No. 94-098 is repealed; provided that, as authorized and directed by**  
25 **Resolution 94-098, the budget, audit and internal control procedures for**  
26 **expenditure of the "District Allocation" (as defined in Resolution No. 94-098 and**  
27 **this Resolution) were developed and adopted by the Legislative Council pursuant**  
28 **to Resolution No. 95-397 and shall continue to remain in full force and effect**

**DEFEATED**

**RESOLUTION NO. 01-445**

**(Repealing Resolution No. 94-098 and Adopting a New Gaming Revenue Distribution Formula)**

**Page 2 of 5**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

**unless or until such procedures are modified by the Legislative Council.**

**2. On a monthly basis, ten percent (10%) of all Gaming Revenues shall be allocated (the "Monthly Allocations") to a separate account established and known as the Permanent Fund Trust Account (the "Permanent Fund Trust") which shall be segregated from all other sources of revenue.**

**(a) The Monthly Allocations shall be used to make long-term investments in accordance with the Nation's Financial Investment Policy (the "Investment Policy") adopted by the Legislative Council pursuant to Resolution No. 91-042 and as amended by Resolution No. 01-213 and any Resolution thereafter approved by the Legislative Council.**

**(b) All investment earnings on the Permanent Fund Trust (the "Investment Earnings") shall be reinvested in long-term investments in accordance with the Investment Policy.**

**(c) The term "Permanent Fund Trust Principal" shall mean the sum of Monthly Allocations and Investment Earnings required to realize Investment Earnings sufficient to (1) fund the annual budgets of the Legislative, Judicial and Executive Branches of the Nation's government and (2) sustain and preserve the Permanent Fund Trust Principal.**

**(d) The Permanent Fund Trust Principal shall be retained in the Permanent Fund and shall not be subject to appropriation or expenditure.**

**(e) Funds in excess of the Permanent Fund Trust Principal which meet the requirements of clause (c) shall be available for appropriation by the Legislative Council for the purposes described in such clause.**

**(f) The combined Monthly Allocations and Investment Earnings which are less than the Permanent Fund Trust Principal shall not be appropriated or expended under any circumstances.**

**3. The fund balance in the Nation's Desert Diamond Savings Account (No. 1067514) (the "Savings Account") as of September 30, 2001 shall be transferred to the Cost Center Trust Account (the "Cost Center Trust") which shall be the new name for**

**DEFEATED**

**RESOLUTION NO. 01-445**

**(Repealing Resolution No. 94-098 and Adopting a New Gaming Revenue Distribution Formula)**

**Page 3 of 5**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

**the Savings Account.**

**(a) After deducting the Monthly Allocation to the Permanent Fund Trust, the remaining Gaming Revenues shall be allocated to the Cost Center Trust as follows:**

**(1) For Fiscal Year 2002, thirteen percent (13%) shall be allocated each month.**

**(2) For Fiscal Year 2003, seventeen percent (17%) shall be allocated each month.**

**(3) For Fiscal Year 2004 and each Fiscal Year thereafter, twenty-two percent (22%) shall be allocated each month.**

**(b) The Legislative Council, in its discretion, may appropriate funds from the Cost Center Trust to fund Housing, Infrastructure, Capital, Public Services and Education Projects, and the biennial Per Capita Distribution. In determining the cost, level of appropriation and priority of such Projects and Distribution, the Legislative Council shall consult with the Executive Branch, the Judicial Branch and the Districts.**

**(4) After deducting the monthly allocations to the Permanent Fund Trust and the Cost Center Trust and commencing on the first day of Fiscal Year 2002 and the first day of each Fiscal Year thereafter, one hundred percent (100%) of the remaining Gaming Revenues shall be allocated monthly to the Desert Diamond Distribution Account (No. 1067515) (the "Distribution Account").**

**(a) Seventy percent (70%) of the amount in Distribution Account shall be allocated and available for expenditure to fund the annual budgets approved by the Legislative Council for the Legislative, Executive and Judicial Branches of the Nation's government in Fiscal Year 2002 and each Fiscal Year thereafter (the "Nation's Allocation"). The Chairman of the Nation or the Chairperson of the Investment Committee is authorized to approve the withdrawal of the Nation's Allocation from the Distribution Account and deposit the amount of the withdrawal in the General Fund Investment**

**DEFEATED**

**RESOLUTION NO. 01-445**

**(Repealing Resolution No. 94-098 and Adopting a New Gaming Revenue Distribution Formula)**

**Page 4 of 5**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

**Account (No. 1067508) to make funds available for each Branch's approved Budget.**

**(b) Thirty percent (30%) of the amount in the Distribution Account shall be allocated to the Districts (the "District Allocation").**

**(1) For purposes of determining the allocation of the Distribution Account for Districts in which a Gaming Facility is located, the Tohono O'odham Gaming Authority shall separately report the Gaming Revenue for each Gaming Facility (the "Gaming Facility Revenue").**

**(2) For each District in which a Gaming Facility operates, the District shall receive 30% of the District Allocation which is attributable to the Gaming Revenue generated by such Facility.**

**(3) The remaining District Allocation shall be apportioned among all Districts in accordance with the then effective allocation formula approved by the Legislative Council.**

**(4) The District Allocation shall be maintained and segregated in the Distribution Account, held for the benefit of the respective Districts and only be made available for expenditure by authorization of the Legislative Council in accordance with Article IX, Section 7 of the Nation's Constitution.**

**(5) Gaming Revenues in the District Allocation which were deposited during the one-year period from August 1, 2000 through July 31, 2001 shall be available to fund District budgets for Fiscal Year 2002.**

**(6) For purposes of funding District budgets in Fiscal Year 2003 and Fiscal Years thereafter, Gaming Revenues deposited during the one-year period ending on July 31 of the year in which the Fiscal Year begins shall be available to fund District budgets for such Fiscal Year.**

**The foregoing Resolution was presented to the Tohono O'Odham Legislative Council on the 24<sup>TH</sup> Day of AUGUST, 2001 at a meeting at which a quorum was present, and by a vote of 750.5 FOR; 1,667.0 AGAINST; -0- NOT VOTING; and [02] ABSENT, failed to pass because it did not receive a majority of the votes cast as required by Section 2 of Article V of the Constitution of the Tohono O'odham Nation.**

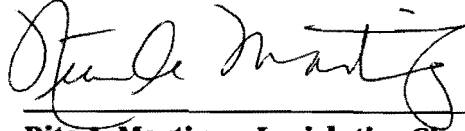
**DEFEATED**

**RESOLUTION NO. 01-445**

**(Repealing Resolution No. 94-098 and Adopting a New Gaming Revenue Distribution Formula)  
Page 5 of 5**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49

**TOHONO O'ODHAM LEGISLATIVE COUNCIL**



**Rita A. Martinez, Legislative Chairwoman**

**ATTEST:**



**Julianna Saraficio, Acting Legislative Secretary**

**ACTION: REPEALING RESOLUTION NO. 94-098 AND ADOPTING A NEW GAMING REVENUE DISTRIBUTION FORMULA**

**MOVED: COUNCILMAN DENNIS RAMON**

**SECOND: COUNCILMAN DAVID GARCIA**

**DATE: AUGUST 24, 2001**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>CHUKUT KUK 248.1</b>	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			
	2. DAVID GARCIA (Mary Audrey Juan)	124.05	X			
<b>HICKIWAN 167.3</b>	1. SHIRLEY MOLINA ( )	83.65		X		
	2. SANDRA ORTEGA ( )	83.65		X		
<b>GU VO 188.3</b>	1. FERN SALCIDO ( )	94.15		X		
	2. EMILIO LEWIS (Michael Flores)	94.15		X		X
<b>SAN LUCY 160.7</b>	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35		X		
	2. GLORIA RAMIREZ ( )	80.35		X		
<b>PISINEMO 174.7</b>	1. BARBARA SALVICIO (Alex Antone)	87.35		X		
	2. PATRICIA CRUZ (Johnson Jose)	87.35		X		
<b>GU ACHI 230.7</b>	1. CAMILLUS LOPEZ ( )	115.35		X		
	2. ALEX J. RAMON (Jerome Joaquin)	115.35		X		
<b>BABOQUIVARI 317.7</b>	1. FRANCES MIGUEL ( )	158.85	X			
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			
<b>SAN XAVIER 184.7</b>	1. TONY BURRELL ( )	92.35	X			
	2. DENNIS RAMON ( )	92.35	X			
<b>SCHUK TOAK 144.5</b>	1. MARY FLORES ( )	72.25		X		
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25		X		X
<b>SELLS 416.1</b>	1. DENNIS E. JOSE ( )	208.05		X		
	2. EVELYN JUAN ( )	208.05		X		
<b>SIF OIDAK 184.7</b>	1. ISIDRO LOPEZ ( )	92.35		X		
	2. RITA A. MARTINEZ (Nicholas Jose)	92.35		X		
<b>TOTAL</b>		<b>2,417.5</b>	<b>750.5</b>	<b>1,667.0</b>	<b>-0-</b>	<b>[02]</b>

**\*\*PASSED VOTES**