

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

RESOLUTION NO. 06-259

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 were available on**
17 **December 26, 2005 to make per capita distributions in accordance with the Initiative;**
18 **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**

1 adequate portion of the net gaming revenues for one or more of the purposes
2 permitted under the Act, and (3) contains detailed information to establish that it
3 complies with the Act and 25 C.F.R. Part 290, (4) authorizes the distribution of per
4 capita payments to members based on specific eligibility requirements, and (5)
5 provides a forum for dispute resolution (25 C.F.R. § 290.12); and

6 **WHEREAS, the attached "Third Revenue Allocation Plan," which is incorporated by this reference,**
7 **satisfies the requirements of the Act and 25 C.F.R. Part 290 and complies with the**
8 **applicable laws of the Tohono O'odham Nation; and**

9 **WHEREAS, the Nation's Investment Committee has reviewed the Third Revenue Allocation Plan**
10 **and recommends its adoption.**

11 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council adopts the Third**
12 **Revenue Allocation Plan in accordance with the Constitution of the Tohono O'odham**
13 **Nation, and the applicable laws of Tohono O'odham Nation, and in compliance with**
14 **the Act and 25 C.F.R. Part 290.**


15 **BE IT FURTHER RESOLVED that, subject to the completion of any agreements necessary to**
16 **implement the Third Revenue Allocation Plan, the Tohono O'odham Legislative**
17 **Council authorizes and directs the Chairwoman of the Tohono O'odham Nation to**
18 **submit, and make a written request for approval of, the Third Revenue Allocation Plan**
19 **in accordance with the provisions of 25 C.F.R. Part 290.**

20 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that, upon approval of the**
21 **Third Revenue Allocation Plan and the satisfaction of all other conditions for**
22 **disbursement, third per capita payments shall initially be distributed at the following**
23 **locations, which are hereby declared "Designated Sites" in accordance with the Plan:**
24 **(1) the Tohono O'odham Legislative Council Chambers in Sells, (2) the San Xavier**
25 **District offices, and (3) the San Lucy District offices.**

26 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 18TH day**
27 **of APRIL, 2006 at a meeting at which a quorum was present with a vote of 2,440.80 FOR; -0-**
28 **AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
29 **Section 1(d)(2) and 1(f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by**
30 **the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
31 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
32 **18, 1934 (48 Stat. 984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL


Evelyn B. Juan Manuel, Legislative Chairwoman

21st day of April, 2006


ATTEST:


Lucille Lopez, Acting Legislative Secretary

18 day of April, 2006.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 21st day of April, 2006 at 12:35 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Evelyn B. Juan Manuel, Legislative Chairwoman

APPROVED

on the 24 day of April, 2006

DISAPPROVED

at 5:47 o'clock, P.M.


VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 25 day of

April, 2006, at 8:32 o'clock, A.M.


Lucille Lopez, Acting Legislative Secretary

ACTION: ADOPTING THIRD PER CAPITA REVENUE ALLOCATION PLAN

MOVED: COUNCILWOMAN DELMA GARCIA

SECOND: COUNCILMAN MICHAEL FLORES

DATE: APRIL 18, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL (<i>Absent</i>) (Vernon J. Smith) (<i>Present</i>)	155.40	X			
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35	X			
	2. VERLON M. JOSE ** (David Garcia)	129.35	X			
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
GU VO 193.1	1. RAYMOND VICTOR ()	96.55	X			X
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			
HICKIWAN 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70	X			
	2. SANDRA ORTEGA ()	83.70	X			X
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. JOHN W. LAWSON, SR. ()	84.50	X			
	2. GLORIA RAMIREZ ()	84.50	X			
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90	X			
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X			
	2. PHYLLIS JUAN ()	73.45	X			
SELLS 421.0	1. MARLENE SARAFICIO-JUAN ()	210.50	X			
	2. EVELYN B. JUAN MANUEL ** (Kimberly Listo)	210.50	X			
SIF OIDAK 186.7	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35	X			X
	2. DARLENE ANDREW (Rita Martinez)	93.35	X			
TOTAL		2,440.80	2,440.80	-0-	-0-	[03]

**PASSED VOTES