

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending Resolution No. 06-500, "Approving FY 2007 Apportionment of Gaming Revenues to Districts by Equal Distribution," to Clarify FY 2007 District Apportionment Amounts)

RESOLUTION NO. 06-509

- 1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Tohono O'odham Legislative**
2 **Council with the power "to manage any funds within the exclusive control of the**
3 **Tohono O'odham Nation, including proceeds derived from lands and resources of the**
4 **Tohono O'odham Nation" (Constitution, Article VI, Section 1(d)); and**
- 5 **WHEREAS, the Legislative Council has exercised its fiscal and legislative powers by adopting a**
6 **formula for the distribution of the Nation's gaming revenues ("Formula") pursuant to**
7 **Resolution No. 94-098, "Authorizing Gaming Revenue Distribution Formula," as**
8 **amended; and**
- 9 **WHEREAS, paragraph 1.b.(i) and (ii) of the Formula provide that 70% of "all revenues from Gaming**
10 **Facilities paid to the Nation" are allocated as follows: 70% to the Nation's general fund**
11 **and 30% to the Districts (the "District Allocation") (Resolution No. 94-098, as amended);**
12 **and**
- 13 **WHEREAS, paragraph 1.b.(ii)(A) of the Formula provides that "Thirty (30%) of the District**
14 **Allocation shall be allocated to the District where the Gaming Facility which generated**
15 **such revenue is located" (the "Host District Share"); and**
- 16 **WHEREAS, paragraph 1.b.(ii)(B) of the Formula provides that the remainder of the District**
17 **Allocation (after allocating the Host District Share) "shall be divided among all 11**
18 **Districts of the Nation" in accordance with the allocation formula established by the**
19 **Legislative Council (Resolution No. 95-397); and**
- 20 **WHEREAS, the Nation's Accounting Department calculates the District Allocation based upon the**
21 **gaming revenues in the year prior to August 1, although the final District Allocation**
22 **amount varies based upon accrued interest and actual revenues for the months of**
23 **June and July; and**
- 24 **WHEREAS, the Accounting Department has calculated that the total District Allocation to be**
25 **allocation on August 1, 2006 as \$17,202,286.22, subject to final adjustments; and**
- 26 **WHEREAS, on July 18, 2006, the Legislative Council adopted Resolution No. 06-496 to delete the**
27 **Host District Share from the Formula; and**
- 28 **WHEREAS, the Accounting Department calculated that, if the Formula amendment adopted by**
29 **Resolution No. 06-496 had become effective, each District would have received an FY**
30 **2007 apportionment of approximately \$1,563,844.20; and**

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1 **WHEREAS, during the debate following the passage of Resolution No. 06-496, spreadsheets were**
2 **distributed to the Legislative Council that reflected the projected District**
3 **apportionment of \$1,563,844.20 per District based upon the Formula amendment; and**

4 **WHEREAS, the Legislative Council subsequently passed Resolution No. 06-500, "Approving FY 2007**
5 **Apportionment of Gaming Revenues to Districts by Equal Distribution," and thereby**
6 **approved and authorized "the FY 2007 apportionment of gaming revenues to the**
7 **Districts by equal distribution"; and**

8 **WHEREAS, the Formula amendment adopted by the Legislative Council by Resolution No. 06-496**
9 **was vetoed on July 21, 2006 and, on July 24, 2006, the resolution to override the veto**
10 **failed (Resolution No. 06-506); and**

11 **WHEREAS, for this reason, the existing Formula remains in effect for the District Allocation to be**
12 **apportioned on August 1, 2006; and**

13 **WHEREAS, as a result, the FY 2007 apportionment of the District Allocation under the current**
14 **Formula (after allocating the Host District Share) will result in an apportionment of**
15 **\$1,094,690.94 per District, subject to final adjustments based on accrued interest and**
16 **actual gaming revenues; and**

17 **WHEREAS, it is in the Nation's best interest to amend Resolution No. 06-500 to identify the Host**
18 **District Share amounts and the District Allocation for each District as reflected in the**
19 **flowchart titled "Preliminary Gaming Distribution to Districts For Fiscal Year 2007**
20 **(Equal Distribution)."**

21 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that Resolution**
22 **No. 06-500 is hereby amended as follows:**

23 **(1) the fourth whereas clause in Resolution No. 06-500 shall be deleted and replaced**
24 **to read as follows:**

25 **"WHEREAS, the Accounting Department has calculated the total District**
26 **Allocation as \$17,202,286.22, which, subject to final adjustments based on**
27 **accrued interest and actual gaming revenues, will result in the following FY 2007**
28 **allocations in accordance with the "Preliminary Gaming Distribution to Districts**
29 **For Fiscal Year 2007 (Equal Distribution)" flowchart dated 7/18/2006:**

30 **(1) HICKIWAN Host District Share of \$13,701.53.**

31 **(2) SAN XAVIER Host District Share of \$4,275,484.43.**

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1 **(3) the remainder of the District Allocation (after allocating the Host District**
2 **Share) to be divided equally among all 11 Districts of the Nation of**
3 **\$1,094,690.94 for each District."**

4 **(2) an additional clause shall be added immediately following the first resolved**
5 **clause of Resolution No. 06-500 as follows:**

6 **"BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the**
7 **"Preliminary Gaming Distribution to Districts For Fiscal Year 2007 (Equal**
8 **Distribution)" flowchart is incorporated by this reference and is adopted as a**
9 **basis for allocating and apportioning the FY 2007 District Allocation, provided**
10 **that the Accounting Department is authorized, in accordance with this**
11 **Resolution, Resolution No. 94-098, as amended, and Resolution No. 95-397, and**
12 **after consulting with the Budget and Finance Committee, to make final**
13 **adjustments to the amounts therein, based on accrued interest and actual**
14 **gaming revenues."**

15 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council hereby authorizes the**
16 **Legislative Budget and Finance and Commerce Committees, with the Office of the**
17 **Chairwoman and in consultation with the Accounting Department, to**

18 **(1) consult with the San Xavier and Hickywan Districts concerning reductions in the**
19 **Host District Share portion of the Formula and increased allocations to all the**
20 **Nation's Districts under paragraph 1.b.(ii)(B) of the Formula.**

21 **(2) make a written request to the San Xavier and Hickywan Districts by August 4, 2006**
22 **for all records necessary to conduct such consultations.**

23 **(3) conclude such consultations and submit a draft resolution to the Legislative**
24 **Council during the September 2006 general session to amend the Formula in the**
25 **manner described herein.**

26 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 27TH Day**
27 **of JULY, 2006 at a meeting at which a quorum was present with a vote of 1,611.5 FOR; 829.3**
28 **AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by**
29 **Article VI, Section 1 (d)(2) of the Constitution of the Tohono O'Odham Nation, adopted by the**
30 **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

28th day of July, 2006


ATTEST:


Lucille Lopez, Acting Legislative Secretary

27 day of July, 2006.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 28th day of July, 2006 at 1:40 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.

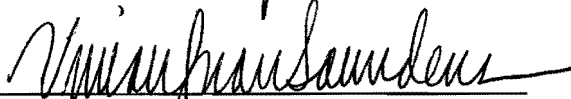
TOHONO O'ODHAM LEGISLATIVE COUNCIL


Evelyn B. Juan Manuel, Legislative Chairwoman

on the 28 day of July, 2006
at 2:15 o'clock, P.M.

APPROVED

DISAPPROVED


VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 28 day of
July, 2006, at 2:23 o'clock, P.M.


Lucille Lopez, Acting Legislative Secretary

ACTION: AMENDING RESOLUTION NO. 06-500, "APPROVING FY 2007 APPORTIONMENT OF GAMING REVENUES TO DISTRICTS BY EQUAL DISTRIBUTION," TO CLARIFY FY 2007 DISTRICT APPORTIONMENT AMOUNTS

Moved: COUNCILMAN GERALD FAYUANT

Second: COUNCILWOMAN FRANCES MIGUEL

DATE: JULY 27, 2006

| DISTRICT | LEGISLATIVE REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|-----------------------------|---|-----------------|----------------|--------------|------------|-------------|
| BABOQUIVARI 310.8 | 1. FRANCES MIGUEL (Vernon J. Smith) | 155.40 | X | | | |
| | 2. FRANCES G. ANTONE(Absent) (Lucilda J. Valenzuela (Norris))(Present) | 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 | | | |
| | 2. MICHAEL FLORES (Grace Manuel) | 96.55 | X | | | X |
| HICKIWAN 167.4 | 1. DELMA GARCIA (Mary E. Sam) | 83.70 | X | | | |
| | 2. SANDRA ORTEGA** () | 83.70 | 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 | | X |
| | 2. EVELYN B. JUAN MANUEL (Kimberly Listo) | 210.50 | | X | | |
| SIF Oidak 186.7 | 1. WAVALENE SAUNDERS (Isidro Lopez) | 93.35 | | X | | |
| | 2. DARLENE ANDREW (Rita Martinez) | 93.35 | | X | | |
| TOTAL | | 2,440.80 | 1,611.5 | 829.3 | -0- | [02] |

**PASSED VOTES