

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving FY 2009 District Allocation and Apportionment of Gaming Revenues to
Districts by Equal Distribution)**

RESOLUTION NO. 08-490

- 1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Tohono O'odham Legislative**
2 **Council with legislative and fiscal powers, including the power "to manage any funds**
3 **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 a formula for distributing the Nation's gaming**
7 **revenues ("Formula"), which includes an allocation to the Nation's 11 districts**
8 **("District Allocation") (25 Tohono O'odham Code Chapter 1, §1301); and**
- 9 **WHEREAS, Title 25, §1304 provides that on August 1 each year the District Allocation for each**
10 **district shall be apportioned in accordance with the allocation formula established**
11 **by the Legislative Council; and**
- 12 **WHEREAS, the Tohono O'odham Nation Office of the Treasurer has determined the FY 2009**
13 **District Allocation to be \$25,045,627.55; and**
- 14 **WHEREAS, effective August 1, 2008, Section 1301(B)(ii)(a) of the Formula provides that "Twenty-**
15 **five percent (25%) of the District Allocation shall be allocated to the District where the**
16 **Gaming Facility which generated such revenue is located" (the "Host District Share");**
17 **and**
- 18 **WHEREAS, the Tohono O'odham Nation Office of the Treasurer has calculated the FY 2009**
19 **Hickiwan Host District Share as \$56,422.42 and the San Xavier Host District Share as**
20 **\$6,204,984.51; and**
- 21 **WHEREAS, Section 1301(B)(ii)(b) of the Formula provides that the remainder of the District**
22 **Allocation (after allocating the Host District Share) shall be divided among all 11**
23 **Districts of the Nation in accordance with the allocation formula established by the**
24 **Legislative Council (25 T.O.C. §1304); and**
- 25 **WHEREAS, the Office of the Treasurer has calculated the FY 2009 remainder of the District**
26 **Allocation to be divided among all 11 districts as \$18,784,220.62; and**
- 27 **WHEREAS, the Legislative Budget and Finance Committee has discussed three options for**
28 **dividing the remainder of the FY 2009 District Allocation as follows: 1) equal**
29 **distribution; 2) population distribution; and 3) 50/50 distribution (½ equal and ½**
30 **population); and**
- 31 **WHEREAS, the Office of the Treasurer has prepared an FY 2009 District Distribution Table dated**

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1 August 6, 2008, which is incorporated by this reference, reflecting the District
2 Allocation amounts for each allocation method.

3 NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that the Formula
4 in effect on August 1 each year shall be applied to allocate gaming revenues that have
5 accrued in the previous twelve-month period.

6 BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that it hereby approves and
7 authorizes the allocation of the FY 2009 HICKIWAN Host District Share of \$56,422.42 and
8 the FY 2009 San Xavier Host District Share of \$6,204,984.51.

9 BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that the remainder of the
10 FY 2009 District Allocation (after allocating the Host District Share) shall be divided
11 among all 11 Districts of the Nation by equal distribution in accordance with the FY
12 2009 District Distribution Table for a distribution of \$1,707,656.42 to each district.

13 BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that all FY 2009 District
14 Allocation funds, including the Host District Shares, shall be made available for
15 expenditure subject to budgets approved in accordance with Article VI, Section 1(d)(2)
16 and Article IX, Section 7 of the Nation's Constitution and the additional requirements
17 of Tohono O'odham Code Title 26, Chapter 1, Article 3.

18 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11TH. Day
19 of AUGUST, 2008 at a meeting at which a quorum was present with a vote of 1,508.1 FOR; 1,026.4
20 AGAINST; 0-NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article
21 VI, Section 1 (d)(2) of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono
22 O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -
23 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48
24 Stat. 984).

25
26 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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28 
29 _____
30 Verlon M. Jose, Legislative Chairman

31
32 13 day of August, 2008

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34 ATTEST:

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37 _____
38 Lucille Lopez, Acting Legislative Secretary

39
40 11 day of August, 2008.

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 13 day of August, 2008 at 12:22 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



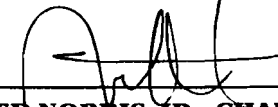
Verlon M. Jose, Legislative Chairman

APPROVED

on the 15 day of AUGUST, 2008

DISAPPROVED

at 10:57 o'clock, A.M.



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

Returned to the Legislative Secretary on the 15 day of

August, 2008, at 11:25 o'clock, A.M.



Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING FY 2009 DISTRICT ALLOCATION AND APPORTIONMENT OF GAMING REVENUES TO DISTRICTS BY EQUAL DISTRIBUTION

MOVED: COUNCILWOMAN WAVALENE ROMERO

SECOND: COUNCILWOMAN FRANCES CONDE

DATE: AUGUST 11, 2008

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 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		
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			
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			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	1,508.1	1,026.4	-0-	[02]

****PASSED VOTES**