

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Granting Temporary Distribution Date Extension)**

**RESOLUTION NO. 08-516**

1 **WHEREAS, pursuant to Article VI of the Constitution of the Tohono O'odham Nation, the Tohono**  
2 **O'odham Legislative Council is vested with the power to manage "proceeds derived**  
3 **from lands and resources of the Tohono O'odham Nation" and to enact laws,**  
4 **ordinances, and resolutions necessary or incidental to the exercise of its legislative**  
5 **powers (Constitution, Article VI, Section 1(d)(2) and Section 1(l)); and**

6 **WHEREAS, the Legislative Council has enacted an Ordinance for Regulation of Gaming Activities**  
7 **Within the Tohono O'odham Nation, Ordinance No. 93-01 ("Gaming Ordinance")**  
8 **(Resolution No. 93-296, as amended); and**

9 **WHEREAS, the Gaming Ordinance provides that all gaming activities conducted within the Nation**  
10 **shall be owned entirely by the Nation and conducted and operated by a tribal**  
11 **enterprise; and**

12 **WHEREAS, the Legislative Council has also enacted the Charter of the Gaming Enterprise**  
13 **("Enterprise Charter") by Resolution No. 93-311, as amended, and thereby established**  
14 **the Tohono O'odham Gaming Enterprise ("Gaming Enterprise"), which was formerly**  
15 **known as the Tohono O'odham Gaming Authority; and**

16 **WHEREAS, the Gaming Enterprise is a tribal governmental enterprise of the Nation established**  
17 **pursuant to Article VI of the Nation's Constitution and is responsible for operating the**  
18 **Nation's gaming facilities and conducting gaming activities in compliance with the**  
19 **requirements of the Gaming Ordinance; and**

20 **WHEREAS, pursuant to Section 7(e) of the Enterprise Charter, "The Enterprise shall pay to the**  
21 **Nation as a distribution all available cash at the end of each month of operation.**  
22 **Distribution shall take place by the fifth banking day of the succeeding month."; and**

23 **WHEREAS, the Legislative Commerce and Budget and Finance Committees have conferred with**  
24 **the Nation's Chairman and Treasurer and with the Gaming Enterprise Board**  
25 **concerning the timing of distribution payments to the Nation under Section 7(e); and**

26 **WHEREAS, the Committees and Nation's Chairman have reached a consensus that the best**  
27 **interests of the Nation and the Gaming Enterprise will be served by temporarily**  
28 **extending the timing of distribution payments to the Nation for an additional ten days**  
29 **during the months of October 2008 through March 2009.**

30 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that the**  
31 **distribution payment dates set forth in Enterprise Charter Section 7(e) are hereby**  
32 **extended for an additional ten days during the months of October 2008 through March**

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2009; such payments shall therefore be due to the Nation on the fifteenth day of October, November, and December 2008, and the fifteenth day of January, February, and March 2009; provided that if the fifteenth day of the month is a non-banking day, the distribution payment shall be due on the next banking day thereafter.

BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the distribution payment dates set forth in Enterprise Charter Section 7(e) shall otherwise remain in effect and distribution payments to the Nation shall again be due the fifth banking day of the month of April 2009 and thereafter unless an additional extension is approved by Legislative Council resolution.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10<sup>TH</sup> Day of SEPTEMBER, 2008 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1 (d)(e) & (1) of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

  
Verlon M. Jose, Legislative Chairman

\_\_\_\_\_ day of \_\_\_\_\_, 2008

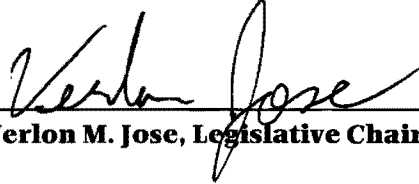
ATTEST:

  
Lucille Lopez, Acting Legislative Secretary

10 day of September, 2008.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 17 day of September, 2008 at 4:40 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

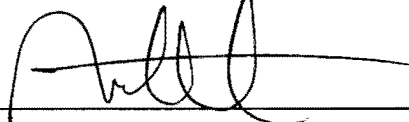
  
Verlon M. Jose, Legislative Chairman

APPROVED

on the 18 day of SEPTEMBER, 2008

DISAPPROVED

at 5:52 o'clock, P.M.

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

Returned to the Legislative Secretary on the 17 day of

September, 2008, at 9:00 o'clock, A.M.

  
Lucille Lopez, Acting Legislative Secretary

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ACTION: GRANTING TEMPORARY DISTRIBUTION DATE EXTENSION

MOVED: COUNCILWOMAN FRANCES CONDE

SECOND: COUNCILWOMAN GLORIA RAMIREZ

DATE: SEPTEMBER 10, 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			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			
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-	[01]

\*\*PASSED VOTES