

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Directing Payment of 12% Distribution to Cities, Towns, or Counties from**  
**West Valley Resort Gaming Revenues)**

**RESOLUTION NO. 15-341**

1 **WHEREAS,** the Legislative Council is vested with the power to “consult, negotiate and  
2 conclude agreements and contracts on behalf of the Tohono O’odham Nation  
3 with Federal, State and local governments and other Indian tribes or their  
4 departments, agencies, or political subdivisions, or with private persons or  
5 organizations on all matters within the authority of the Tohono O’odham  
6 Council” (Constitution of the Tohono O’odham Nation, Article VI, Section 1(f));  
7 and

8 **WHEREAS,** pursuant to the Indian Gaming Regulatory Act, Class III gaming activities on  
9 Indian lands must be authorized by tribal law and “conducted in conformance  
10 with a Tribal-State compact entered into by the Indian tribe and the State” (25  
11 U.S.C.A. § 2710(d)(1)); and

12 **WHEREAS,** by Resolution No. 02-562, the Legislative Council approved a Class III Tohono  
13 O’odham Nation-State of Arizona Gaming Compact (the “Gaming Compact”); and

14 **WHEREAS,** pursuant to Section 12 of the Gaming Compact, the Nation agreed to make  
15 certain tribal contributions from its Class III net gaming revenues in  
16 consideration for substantial exclusivity covenants by the State and for “the  
17 necessary costs incurred by the State as a result of the State’s performance of its  
18 rights or duties under the terms of this Compact.” (Gaming Compact Section  
19 1(a)); and

20 **WHEREAS,** the Nation also agreed to contribute 12% of its total annual contribution (the  
21 “12% Distribution”) “to cities, towns or counties for government services that  
22 benefit the general public, including public safety, mitigation of impacts of  
23 gaming, or promotion of commerce and economic development” (Gaming  
24 Compact Section 12(d)); and

25 **WHEREAS,** Section 7(d) of the Tohono O’odham Gaming Enterprise Charter, 16 T.O.C.  
26 Chapter 2, directs the Gaming Enterprise to  
27 timely pay the contribution required under Section 12(d) of the Compact  
28 in accordance with the directives of the Legislative Council. The  
29 Enterprise shall comply with all accounting, auditing and record keeping

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1 requirements and obligations of the Nation under the Compact relating  
2 to the payment of regulatory costs and tribal contributions as required  
3 under Section 12 of the Compact.

4 ; and

5 **WHEREAS,** certain Arizona officials have taken improper actions in an effort to block  
6 gaming at the West Valley Resort; and

7 **WHEREAS,** these officials' action are injurious to the State of Arizona, which receives  
8 substantial contributions from Class III gaming revenues; and

9 **WHEREAS,** despite State officials' actions, the Nation is committed to pursuing Class III  
10 gaming at the West Valley Resort and to ensuring that Arizona citizens, cities,  
11 towns, and counties continue benefiting from the economic development,  
12 employment, contributions, and numerous other benefits received from the  
13 West Valley Resort's construction and operation; and

14 **WHEREAS,** the Economic Development Delegation, Commerce Committee, and Budget and  
15 Finance Committee support distributions of West Valley Resort gaming  
16 revenues to cities, towns, or counties for services that benefit the general public.

17 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council directs the  
18 Tohono O'odham Gaming Enterprise to timely pay from all net gaming revenues  
19 generated at the West Valley Resort an amount equal to the 12% Distribution  
20 under Section 12(d) of the Compact to cities, towns, or counties for services that  
21 benefit the general public in accordance with the directives of the Legislative  
22 Council; provided that the Enterprise shall remain in compliance with all  
23 applicable loan agreements and further provided that when Class III gaming is  
24 conducted at West Valley Resort, the 12% Distribution shall be made in  
25 accordance with the Gaming Compact.

26 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09<sup>TH</sup>**  
27 **day of SEPTEMBER, 2015 at a meeting at which a quorum was present with a vote of 3,021.4**  
28 **FOR; -0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the**  
29 **Council by Article VI, Section 1(d)(2)and(f) of the Constitution of the Tohono O'odham Nation,**  
30 **adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting**  
31 **Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section**  
32 **16 of the Act of June 18, 1934 (48 Stat.984).**  
33

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

*Timothy Joaquin*

Timothy Joaquin, Legislative Chairman

9 day of September, 2015

ATTEST:

*Evonne Wilson*

Evonne Wilson, Legislative Secretary

9 day of September, 2015

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 9 day of September, 2015 at 7:10 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

*Timothy Joaquin*

Timothy Joaquin, Legislative Chairman

APPROVED

on the 9<sup>th</sup> day of September, 2015

DISAPPROVED

at 7:14 o'clock, P.m.

*Edward D. Manuel*

EDWARD D. MANUEL, CHAIRMAN  
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 9 day of

September, 2015, at 7:16 o'clock, P.m.

  
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**Evonne Wilson, Legislative Secretary**

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**ACTION: DIRECTING PAYMENT OF 12% DISTRIBUTION TO CITIES, TOWNS, OR COUNTIES FROM WEST VALLEY RESORT GAMING REVENUES**

**MOVED: COUNCILMAN BILLMAN LOPEZ**

**SECOND: COUNCILWOMAN ETHEL GARCIA**

**DATE: SEPTEMBER 09, 2015**

| DISTRICT             | LEGISLATIVE REPRESENTATIVES                          | # OF VOTES     | FOR            | AGAINST    | NOT VOTING | ABSENT      |
|----------------------|--|----------------|----------------|------------|------------|-------------|
| BABOQUIVARI<br>367.2 | 1. FRANCES MIGUEL<br>(Roberta E. Harvey)             | 183.6          | X              |            |            |             |
|                      | 2. VERNON J. SMITH<br>(Gloria Zazueta)               | 183.6          | X              |            |            |             |
| CHUKUT KUK<br>332.1  | 1. ETHEL GARCIA<br>(Marlakay K. Henry)               | 166.05         | X              |            |            |             |
|                      | 2. BILLMAN LOPEZ<br>(Patricia Vicenti)               | 166.05         | X              |            |            |             |
| GU ACHI<br>265.0     | 1. TIMOTHY L. JOAQUIN<br>(Louis L. Johnson)          | 132.5          | X              |            |            |             |
|                      | 2. LORETTA LEWIS<br>( )                              | 132.5          | X              |            |            |             |
| GU VO<br>250.6       | 1. GRACE MANUEL<br>(Dallas Lewis)                    | 125.3          | X              |            |            |             |
|                      | 2. PAMELA ANGHILL<br>(Jeffery Antone, Sr.)           | 125.3          | X              |            |            |             |
| HICKIWAN<br>205.8    | 1. LOUIS R. LOPEZ<br>(Shirley Molina)                | 102.9          | X              |            |            |             |
|                      | 2. SANDRA ORTEGA<br>( )                              | 102.9          | X              |            |            |             |
| PISINEMO<br>219.9    | 1. CHESTER ANTONE<br>(Tony Murrietta)                | 109.95         | X              |            |            |             |
|                      | 2. MONICA K. MORGAN<br>( )                           | 109.95         | X              |            |            |             |
| SAN LUCY<br>226.5    | 1. DIANA MANUEL<br>( )                               | 113.25         | X              |            |            |             |
|                      | 2. JANA MONTANA<br>(Gloria Ramirez)                  | 113.25         | X              |            |            |             |
| SAN XAVIER<br>228.6  | 1. DANIEL L.A. PRESTON III<br>(Gene Enis)            | 114.3          | X              |            |            | X           |
|                      | 2. RACHEAL VILSON-STONER<br>(Olivia Villegas-Liston) | 114.3          | X              |            |            |             |
| SCHUK TOAK<br>180.6  | 1. ANTHONY J. FRANCISCO JR.<br>(Theresa Donahue)     | 90.3           | X              |            |            |             |
|                      | 2. QUINTIN C. LOPEZ<br>(John Fendenheim)             | 90.3           | X              |            |            |             |
| SELLS<br>513.5       | 1. ARTHUR WILSON<br>(Beverly Rivas)                  | 256.75         | X              |            |            |             |
|                      | 2. BARBARA HAVIER<br>( )                             | 256.75         | X              |            |            |             |
| SIF OIDAK<br>231.6   | 1. LUCINDA ALLEN<br>(Nicholas Jose)                  | 115.8          | X              |            |            |             |
|                      | 2. MARY LOPEZ<br>( )                                 | 115.8          | X              |            |            | X           |
| <b>TOTAL</b>         |  | <b>3,021.4</b> | <b>3,021.4</b> | <b>-0-</b> | <b>-0-</b> | <b>[02]</b> |