

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Grantees for the Disbursement of the FY2016 Gaming Compact
Section 12(d) 12% Contribution)

RESOLUTION NO. 16-439

1 **WHEREAS,** by Resolution No. 02-562, the Tohono O'odham Nation ("Nation") approved a new
2 tribal-state gaming compact ("Compact") with the State of Arizona; and

3 **WHEREAS,** pursuant to Section 12 of the Compact, the Nation agreed to make certain tribal
4 contributions in consideration for substantial exclusivity covenants by the
5 State, and pursuant to Section 12(d), the Nation agreed to contribute 12% of its
6 total annual contribution (the "12% Distribution") to cities, towns, and counties,
7 for services that benefit the general public; and

8 **WHEREAS,** pursuant to Section 12(e)(2) of the Compact the 12% Distribution disbursement
9 shall be transmitted to the recipient no later than sixty (60) days after the last
10 day of the Gaming Facility Operator's fiscal year; and

11 **WHEREAS,** Section 7(d) of the Gaming Enterprise Charter, 16 T.O.C. Chapter 2, directs the
12 Tohono O'odham Gaming Enterprise to "timely pay the contribution required
13 under Section 12(d) of the Compact in accordance with the directives of the
14 Legislative Council. The Enterprise shall comply with all accounting, auditing,
15 and record keeping requirements and obligations of the Nation under the
16 Compact relating to the payment of regulatory costs and tribal contributions as
17 required under Section 12 of the Compact."; and

18 **WHEREAS,** the Commerce Committee and the Chairman of the Nation recommend that the
19 Legislative Council approve awards to grantees for the designated purposes and
20 in the amounts appearing on the 2016 12% Distribution List, which is
21 incorporated by this reference.

22 **NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council approves
23 payments to the listed grantees for the purposes identified in the 2016 12%
24 Distribution List, which shall remain confidential and shall not be reported or
25 disclosed; provided that information concerning individual awards may be
26 released without disclosing the total amount of the 2016 12% Distribution.

27 **BE IT FURTHER RESOLVED** that if the designated grantees are unable to receive and expend
28 the 12% Distribution in accordance with this resolution and the Compact, the
29 Commerce Committee and Nation's Chairperson are authorized to jointly
30 approve amendments to 2016 12% Distribution List awards that are made
31 exclusively to the grantees identified in the 2016 12% Distribution List, that are

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1 solely for purposes permitted under Section 12(d) of the Compact, and that
2 collectively do not exceed 10% of the total Distribution amount.

3 **BE IT FURTHER RESOLVED** that the Nation's Chairperson and Commerce Committee are
4 authorized to jointly approve grantees' requests to spend unused remaining
5 funds identified in the 2016 12% Distribution List, that are solely for purposes
6 permitted under Section 12(d) of the Compact and that fall within the scope of
7 work identified in the grantee's proposal as approved by Council.

8 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council authorizes the
9 Chairman of the Nation to execute grant agreements with the grantees as
10 necessary in accordance with the 2016 12% Distribution List and the terms of
11 this resolution.

12 **BE IT FINALLY RESOLVED** that the Tohono O'odham Gaming Enterprise, in consultation with
13 the Office of the Chairman, is directed to issue checks in the amounts approved
14 in the 2016 12% Distribution List or as otherwise provided by this resolution to
15 either the grantee or the flow-through municipality; provided that such checks
16 shall be issued no later than sixty (60) days after the last day of the Gaming
17 Facility Operator's fiscal year and shall be mailed via certified mail to the
18 designated grantees with copies of the approved grant agreements provided to
19 the Office of the Attorney General.

20 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13TH**
21 **day of SEPTEMBER, 2016 at a meeting at which a quorum was present with a vote of 3,021,4**
22 **FOR; -0- AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the**
23 **Council by Article VI, Section 1(d)(2) and 1(f) of the Constitution of the Tohono O'odham Nation,**
24 **adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting**
25 **Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section**
26 **16 of the Act of June 18, 1934 (48 Stat.984).**

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30 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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33 **Timothy Joaquin, Legislative Chairman** FGR

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35 15TH day of September, 2016
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ATTEST:



Evonne Wilson, Legislative Secretary

14 day of September, 2016

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 15 day of September, 2016 at 2:44 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, Legislative Chairman

APPROVED

on the 15 day of September, 2016

DISAPPROVED

at 3:13 o'clock, p.m.



**EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 15 day of

September, 2016, at 3:50 o'clock, p.m.



Evonne Wilson, Legislative Secretary

**ACTION: APPROVING GRANTEES FOR THE DISBURSEMENT OF THE FY2016 GAMING COMPACT SECTION 12(D)
12% CONTRIBUTION**

Moved: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILWOMAN GRACE MANUEL

DATE: SEPTEMBER 13, 2016

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (Roberta E. Harvey)	183.60	X			
	2. VERNON J. SMITH (Gloria Zazueta)	183.60	X			
CHUKUT KUK 332.1	1. ETHEL GARCIA (Marlakay K. Henry)	166.05	X			
	2. BILLMAN LOPEZ (Patricia Vicenti)	166.05	X			
GUACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50	X			
	2. LORETTA LEWIS ()	132.50	X			
GU VO 250.6	1. GRACE MANUEL (Dallas Lewis)	125.30	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	125.30	X			X
HICKIWAN 205.8	1. LOUIS R. LOPEZ (<i>Absent</i>) (Shirley Molina) (<i>Present</i>)	102.90	X			
	2. SANDRA ORTEGA ()	102.90	X			
PISINEMO 219.9	1. CHESTER ANTONE ()	109.95	X			X
	2. MONICA K. MORGAN ()	109.95	X			
SAN LUCY 226.5	1. DIANA MANUEL ()	113.25	X			
	2. JANA MONTANA (<i>Absent</i>) (Gloria Ramirez) (<i>Present</i>)	113.25	X			X
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III ()	114.3	X			
	2. RACHEAL VILSON-STONER (<i>Absent</i>) (Olivia Villegas-Liston) (<i>Present</i>)	114.3	X			X
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ()	90.3	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.3	X			
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75	X			
	2. BARBARA HAVIER ()	256.75	X			
SIF OIDA 231.6	1. LUCINDA ALLEN (Nicholas Jose)	115.80	X			
	2. MARY LOPEZ ()	115.80	X			
TOTAL		3,021.4	3,021.4	-0-	-0-	[04]