

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Adopting 2021 Amendments to Section 1301 of 26 Tohono O'odham Code Chapter 1,
Article 3 - Gaming Revenue Distribution Formula and District Allocation Guidelines)

RESOLUTION NO. 21-426

1 **WHEREAS,** **the Tohono O'odham Legislative Council is vested with the power “to manage any**
2 **fun****ds within the exclusive control of the Tohono O'odham Nation, including**
3 **proceeds derived from lands and resources of the Tohono O'odham Nation, and**
4 **to appropriate these funds for the benefit of the nation and its members.”**
5 **(Constitution of the Tohono O'odham Nation, Article VI, Section 1(d)(2)); and**
6 **WHEREAS,** **the Legislative Council has adopted and codified the Gaming Revenue**
7 **Distribution Formula and District Allocation Guidelines as 26 Tohono O'odham**
8 **Code Chapter 1, Article 3; and**
9 **WHEREAS,** **the Formula and Guidelines were “established for purposes of allocating all**
10 **revenue from Gaming Facilities paid to the Nation by the Gaming Enterprise**
11 **pursuant to Section 7(e) of the Gaming Enterprise Charter (hereinafter referred**
12 **to as ‘Gaming Revenues’),” and the Formula allocates percentages of Gaming**
13 **Revenues to long-term investments (the “Desert Diamond Savings Account”), to**
14 **the Nation, and to district governments (26 Tohono O'odham Code Chapter 1,**
15 **Article 3, Section 1301); and**
16 **WHEREAS,** **on March 2, 2020 and by Resolution No. 20-069, the Legislative Council enacted 26**
17 **Tohono O'odham Code Chapter 3 - Permanent Trust Fund “to establish a true**
18 **permanent savings fund and permanent stream of investment income to defray**
19 **the cost of Tohono O'odham government services provided to the O'odham**
20 **people,” which became effective March 5, 2020; and**
21 **WHEREAS,** **pursuant to Section 3103(A)(1) of the Permanent Trust Fund law, a portion of**
22 **Gaming Revenues shall be allocated to the Permanent Trust Fund as provided by**
23 **26 T.O.C. Chapter 1, Article 3, Section 1301, effective October 1, 2020; and**
24 **WHEREAS,** **the Gaming Revenue Distribution Formula has not yet been updated to reflect the**
25 **allocation to the Permanent Trust Fund as enacted in Resolution No. 20-069; and**
26 **WHEREAS,** **the Investment Committee and Budget and Finance Committee recommend**
27 **amending Section 1301 of 26 Tohono O'odham Code Chapter 1, Article 3 to reflect**
28 **the allocation to the Permanent Trust Fund, in accordance with the November**
29 **2021 Amendments, which are incorporated by this reference.**
30 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council adopts the**
31 **November 2021 Amendments to Section 1301 of 26 Tohono O'odham Code**

Chapter 1, Article 3 - Gaming Revenue Distribution Formula and District Allocation Guidelines.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 16TH day of NOVEMBER, 2021 at a meeting at which a quorum was present with a vote of 3,218.0 FOR; -0- AGAINST; [01] NOT VOTING; and -0- ABSENT, pursuant to the powers vested in the Council by, Article VI, Section 1(d)(2) 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

Timothy Joaquin
Timothy Joaquin, Legislative Chairman

19 day of November, 2021

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary

19 day of November, 2021

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 19 day of November, 2021 at 2:32 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 22 day of November, 2021

DISAPPROVED

at 10:45 o'clock, A.M.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

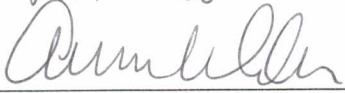
RESOLUTION NO. 21-426

(Adopting 2021 Amendments to Section 1301 of 26 Tohono O'odham Code Chapter 1, Article 3 - Gaming Revenue Distribution Formula and District Allocation Guidelines)

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Returned to the Legislative Secretary on the 23 day of

November, 2021, at 10:12 o'clock, a.m.



Evonne Wilson, Legislative Secretary

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**ACTION: ADOPTING 2021 AMENDMENTS TO SECTION 1301 OF 26 TOHONO O'ODHAM CODE CHAPTER 1,
ARTICLE 3 - GAMING REVENUE DISTRIBUTION FORMULA AND DISTRICT ALLOCATION GUIDELINES**

MOVED: COUNCILMAN DANIEL L.A. PRESTON III

SECOND: COUNCILWOMAN MARLAKAY HENRY

DATE: NOVEMBER 16, 2021

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 245.6	1. MARY LOPEZ (Ann M. Garcia)	122.8	X			
	2. LUCINDA ALLEN (Francis Homewytewa)	122.8	X			
SELLS 556.5	1. ARTHUR WILSON ()	278.25	X			
	2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25	X			
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza)	95.25	X			
	2. DELISA M. RAMON (Sharon A. Francisco)	95.25	X			
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	121.3	X			
	2. JANICE FELIX (Adam P. Andrews)	121.3	X			
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eiler)	121.9	X			
	2. ROGER MANUEL (Christina Andrews)	121.9	X			
PISINEMO 232.7	1. MARIETTA MARTIN ()	116.35	X			
	2. EDWARD D. MANUAL (Monica Morgan)	116.35	X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ ()	108.3	X			
	2. SANDRA D. ORTEGA (<i>Absent</i>) (Delma M. Garcia) (<i>Present</i>)	108.3	X		X	
GU VO 270.7	1. GRACE MANUEL ()	135.35	X			
	2. CYNTHIA SAAVEDRA (Dallas Lewis)	135.35	X			
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN ()	139.25	X			
	2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25	X			
CHUKUT KUK 351.6	1. MARLAKAY HENRY (Billman Lopez)	175.8	X			
	2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8	X			
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone)	194.45	X			
	2. LEANDER MASE (Francine Schooling)	194.45	X			
TOTAL		3,218.0	3,218.0	-0-	[01]	-0-