

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Increasing Utility Assistance for Elderly and Low-Income Members of
the Tohono O'odham Nation)**

RESOLUTION NO. 23-023

- 1 **WHEREAS,** **the Constitution of the Tohono O'odham Nation vests the Tohono O'odham**
2 **Legislative Council with the power to promote, protect and provide for public**
3 **health, peace, morals, education and general welfare of the Tohono O'odham**
4 **Nation and its members” and to “manage any funds within the exclusive control**
5 **of the Tohono O'odham Nation, including proceeds derived from lands and**
6 **resources of the Tohono O'odham Nation, and to appropriate these funds for the**
7 **benefit of the nation and its members” (Constitution of the Tohono O'odham**
8 **Nation, Article VI, Section 1(c)(2) and (d)(2)); and**
- 9 **WHEREAS,** **Initiative IN-01-97, “O'odham Voice on Use of Gaming Revenues” (the “Initiative”)**
10 **was passed by the Nation’s voters on June 28, 1997 and provides a \$1,000,000**
11 **annual subsidy to the Tohono O'odham Utility Authority (“TOUA”) to assist elderly**
12 **and low-income Nation’s members with their utility bills (“Initiative utility**
13 **assistance”); and**
- 14 **WHEREAS,** **the Initiative provides that, “[a]s long as Gaming revenues are available, the**
15 **utility aid shall continue. After each year an analysis shall be performed by TOUA**
16 **and the funds increased or decreased as required” (Initiative 1.B.3.); and**
- 17 **WHEREAS,** **TOUA has analyzed the current value of annual Initiative utility assistance and**
18 **determined that it should be increased by \$1,557,800 to a total of \$2,557,800 to**
19 **account for inflation from 1997 to present; and**
- 20 **WHEREAS,** **sufficient gaming revenues are currently allocated to a separate account**
21 **pursuant to 26 T.O.C. Chapter 1, Article 3, Section 1301(B) (the “Gaming Savings**
22 **Account”) to adjust Initiative utility assistance to the amount determined by**
23 **TOUA to account for inflation; and**
- 24 **WHEREAS,** **the Initiative provides utility assistance to eligible Nation’s members who are**
25 **served by TOUA but does not provide assistance to Nation’s members within the**
26 **San Lucy District or Florence Community who are served by other utility**
27 **providers; and**
- 28 **WHEREAS,** **it is in the best interests of the Nation’s members to increase the annual Initiative**
29 **utility assistance to account for inflation and to develop a plan for extending**
30 **utility assistance to elderly and low-income members of the Nation residing on**
31 **national lands within the San Lucy District or Florence Community with funding**
32 **separate from the Initiative.**

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1 **NOW, THEREFORE, BE IT RESOLVED that the Legislative Council**

2
3 **(1) appropriates an additional \$1,557,800 annually from the Gaming Savings**
4 **Account for a total of \$2,557,800 in annual Initiative utility assistance**
5 **effective in FY 2023 and future years as long as gaming revenues are**
6 **available, subject to any future adjustments approved by Legislative**
7 **Council resolution; and**

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9 **(2) directs the Commerce Committee to:**

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11 **(a) consult with the Budget and Finance Committee regarding the**
12 **ongoing availability of funds to implement the provisions of this**
13 **Resolution; and**

14
15 **(b) consult with the Tohono O'odham Utility Authority to develop a**
16 **methodology for annually adjusting the total amount of funds**
17 **appropriated annually for utility assistance.**

18
19 **BE IT FINALLY RESOLVED that**

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21 **(1) the Executive Branch shall develop a plan for distributing “extended utility**
22 **assistance” to elderly and low-income members of the Nation residing on**
23 **national lands within the San Lucy District and Florence Community, Gu**
24 **Achi District (“Plan”) that qualifies for tax free treatment.**

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26 **(2) The Plan shall:**

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28 **(a) provide an amount of utility assistance for each qualifying Nation's**
29 **member residing on national lands within the San Lucy District**
30 **and Florence Community, that is equal to the amount provided to**
31 **each qualifying Nation's member under the Initiative utility**
32 **assistance; and**

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- (b) develop a methodology for annually adjusting the total amount of funds appropriated annually for extended utility assistance within the San Lucy District and Florence Community that is consistent with the adjustment methodology developed by the Commerce Committee for Initiative utility assistance; and
 - (c) determine the estimated annual cost for extended utility assistance, including administrative costs, and eligibility criteria that is consistent with eligibility criteria for Initiative utility assistance.
- (3) the Executive Branch shall submit the Plan to the Legislative Council Commerce Committee for review within one hundred and twenty (120) days of the effective date of this Resolution; and
- (4) the Executive Branch shall present the finalized Plan as approved by the Commerce Committee, in consultation with the Budget and Finance Committee, and the Commerce Committee shall present any other action necessary to implement the Plan, to the Legislative Council for approval within one hundred and eighty (180) days after the effective date of this Resolution.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12TH day of JANUARY, 2023 at a meeting at which a quorum was present with a vote of 3,218.0 FOR; -0- AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by, Article VI, Section 1(c)(2) and 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, Legislative Chairman

13 day of January, 2023

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ATTEST:



Evonne Wilson, Legislative Secretary

13 day of January, 2023

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 13 day of January, 2023 at 1:23 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 18 day of January, 2023

DISAPPROVED

at 1:15 o'clock, P.m.


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

Returned to the Legislative Secretary on the 18 day of

January, 2023, at 1:30 o'clock, P.m.


Evonne Wilson, Legislative Secretary

ACTION: INCREASING UTILITY ASSISTANCE FOR ELDERLY AND LOW-INCOME MEMBERS OF THE TOHONO O'ODHAM NATION**MOVED: COUNCILMAN DANIEL L.A. PRESTON III****SECOND: COUNCILWOMAN DELMA M. GARCIA****DATE: JANUARY 12, 2023**

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 (Shelia Espino)	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 ()	121.3	X			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. MANUEL (Monica Morgan)	116.35	X			
HICKIWAN 216.6	1. LOUIS R. LOPEZ ()	108.3	X			
	2. DELMA M. GARCIA ()	108.3	X			
GU VO 270.7	1. GRACE MANUEL ()	135.35	X			
	2. CYNTHIA SAAVEDRA (<i>Absent</i>) (Dallas Lewis) (<i>Present</i>)	135.35	X			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 (<i>Absent</i>) (Frances G. Antone) (<i>Present</i>)	194.45	X			X
	2. LEANDER MASE (<i>Absent</i>) (Francine Schooling) (<i>Present</i>)	194.45	X			
TOTAL		3,218.0	3,218.0	-0-	-0-	[03]