

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving an Amendment to Ordinance 13-82)**

RESOLUTION NO. 95-131

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2
3 **WHEREAS, Ordinance No. 13-82 establishes allocation formulas for the**
4
5 **distribution of mining proceeds among the Tohono O'odham Nation,**
6
7 **the District where the mining activity is situated (the "affected**
8
9 **District") and all Districts of the Nation; and**

10 **WHEREAS, under Section 1(b) (1) of the Ordinance, royalties and other general**
11
12 **mining proceeds are now apportioned: 55% to the Nation, 3% to the**
13
14 **affected District and 42% to all Districts (including the affected**
15
16 **District); and**

17 **WHEREAS, the 3% additional allocation to the affected District is inadequate to**
18
19 **compensate the District for environmental and other adverse impacts**
20
21 **caused by mining activities; and**

22 **WHEREAS, the Sif Oidak District is the location of the Cyprus Tohono Mine**
23
24 **which is the principle mining activity conducted on the Nation's**
25
26 **lands; and**

27 **WHEREAS, by Resolution No. 07-94-01, the Sif Oidak District Council proposed**
28
29 **an amendment to the Ordinance which would reapportion royalties**

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and other general mining proceeds as follows: 35% to the Nation,
20% to the affected District and 45% to all Districts (including the
affected District); and

**WHEREAS, the Natural Resources Committee recommends enactment by the
Legislative Council of the amendment to the Ordinance proposed by
the Sif Oidak District Council.**

**NOW, THEREFORE, BE IT RESOLVED THAT: the Legislative Council hereby
amends Section 1 (b) of Ordinance 13-82 to read as follows:**

**(B) General Mining Proceeds - Proceeds derived from the mining
of ore bearing rock, coal, asphalt, oil or gas and allied
substances shall be divided as follows:**

**(1) Thirty-five percent (35%) thereof shall be deposited to
the general account of the Tohono O'odham Legislative
Council along with other tribal revenue, for the use and
benefit of the Tohono O'odham Nation.**

**(2) Twenty percent (20%) thereof shall be deposited to the
IIM Account of the District from whose lands the**

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proceeds were produced, to be expended under budgets or resolutions of the district's Council duly approved by the Tohono O'odham Legislative Council.

- (3) Forty-five (45%) thereof shall be deposited into IIM Accounts or other interest bearing accounts and added to the funds presently on deposit in IIM Accounts established pursuant to Ordinance No. 55, and shall be held, invested and reinvested for the benefit of the eleven (11) Districts of the Tohono O'odham Nation until the Tohono O'odham Legislative Council shall by resolution or superseding ordinance appropriate the funds in said accounts to or for the benefit of the various Districts of the Tohono O'odham Nation.

The foregoing Resolution was passed by the Tohono O'Odham Council on the 22ND, day of MARCH, 1995 at a meeting at which a quorum was present with a vote of 1,234.0 FOR; 135.0 AGAINST; 296.5 NOT VOTING; and 04 ABSENT, pursuant to the powers vested in the Council by Section 1(d) and Section 2(d) of


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Article VI 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


Alex J. Ramon, Legislative Chairman

25th day of March, 1995

ATTEST:


Frances Antone, Legislative Secretary

24th day of March, 1995

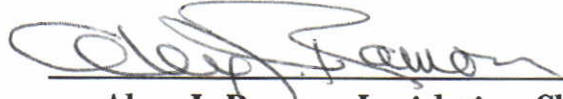
Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 25th day of March, 1995 at 3:17 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Alex J. Ramon, Legislative Chairman

APPROVED

on the 29 day of March, 1995

DISAPPROVED

at 12:45 o'clock, P..M.


SYLVESTER LISTO, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 29th day of

March, 1995, at 2:43 o'clock, P..M.


Frances Antone, Legislative Secretary

ACTION: APPROVING AN AMENDMENT TO ORDINANCE 13-82

MOVED: COUNCILMAN KENNETH WILLIAMS

SECOND: COUNCILWOMAN MARY ANN ANTONE

DATE: MARCH 22, 1995

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 151.0	1. WILLARD JUAN, SR. (Delbert Thomas)	75.5	X			
	2. MARY ANN ANTONE (Nellie Miguel)	75.5	X			
SELLS 290.0	1. ANDREW M. PATRICIO (Lucille Encinas)	145.0	X			
	2. JOSEPH T. JOAQUIN (Allen W. Garcia, Jr.)	145.0	X			X
SCHUK TOAK 113.0	1. FRANCES FRANCISCO ()	56.5			X	X
	2. KENNETH J. ANTONE ()	56.5			X	
SAN XAVIER 135.0	1. EUGENE ENIS, SR. ()	67.5		X		
	2. DENNIS RAMON ()	67.5		X		
BABOQUIVARI 230.0	1. FRANCES MIGUEL ()	115.0			X	
	2. EDWARD KISTO (Idella Stanley)	115.0	X			
GU ACHI 180.0	1. WILLARD ANITA ()	90.0	X			
	2. ALEX J. RAMON (Marian Johnson)	90.0	X			
PISINEMO 128.0	1. CHESTER ANTONE (Fernando Valentine)	64.0	X			
	2. JOHNSON M. JOSE (Roseleen Antone)	64.0	X			
SAN LUCY 98.0	1. JOHN RENO ()	49.0				X
	2. ALBERT MANUEL, JR. (Ernestine Marquez)	49.0				X
GU VO 124.0	1. EMILIO LEWIS ()	62.0	X			
	2. MICHAEL FLORES (Fern Salcido)	62.0	X			
HICKIWAN 136.0	1. MANUEL OSEQUEDA, JR. ()	68.0	X			
	2. LLOYD FRANCISCO ()	68.0			X	
CHUKUT KUK 178.0	1. MARILYN FRANCISCO	89.0	X			
	2. KENNETH WILLIAMS ()	89.0	X			
TOTAL		1,763.0	1,234.0	135.0	296.5	98.0

**PASSED VOTES