

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Enacting Amendment to Gaming Ordinance Authorizing Expenditure
of Gaming Revenue for Per Capita Payments)**

RESOLUTION NO. 97-303

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4 **WHEREAS, on June 28, 1997 the voters of the Tohono O'odham Nation**
5 **(the "Nation") approved the "O'odham Voice on use of**
6 **Gaming Revenues" Initiative, No. IN-01-97 (the "Initiative"),**
7 **by a majority of votes cast; and**

8
9 **WHEREAS, the Initiative provides for a "one time" \$2,000 per capita**
10 **payment to all enrolled members of the Nation living as of**
11 **the date of passage of the Initiative, and a \$2,000 per capita**
12 **payment to members every two years thereafter provided**
13 **"Gaming Revenues are available"; and**

14
15 **WHEREAS, the Initiative provides that the per capita payments shall be**
16 **made from available revenues received from the Nation's**
17 **gaming operations; and**

18
19 **WHEREAS, pursuant to Resolution 93-296, the Nation enacted an**
20 **Ordinance for the Regulation of Gaming Activities within the**
21 **Tohono O'odham Nation (the "Gaming Ordinance"), as**
22 **amended by Resolution 97-168; and**

23
24 **WHEREAS, Section 302 of the Ordinance prescribes the permissible**
25 **categories for expenditure of revenues from Class II and**
26 **Class III gaming activities (the "Gaming Revenues"); and**
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RESOLUTION NO. 97-303

(Enacting Amendment to Gaming Ordinance Authorizing Expenditure of Gaming Revenue for Per Capita Payments)

Page 2 of 6

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WHEREAS, Section 302 of the Gaming Ordinance does not authorize expenditure of Gaming Revenues for per capita payments; and

WHEREAS, the Indian Gaming Regulatory Act, 25 U.S.C. §§ 2710 (b) (3) and (d) (1) (A) (ii) , prohibits the Nation from using Gaming Revenues to make per capita unless the Secretary of the Interior (the "Secretary") has approved a revenue allocation plan which prescribes the terms and conditions for such payments; and

WHEREAS, on December 21, 1992 the Secretary, acting through the Assistant Secretary for Indian Affairs, issued Guidelines to Govern the Review and Approval of Per Capita Distribution Plans (the "Guidelines") which set forth the criteria which must be met to secure the Secretarial approval required by the Indian Gaming Regulatory Act; and

WHEREAS, one of the preconditions for approval is a determination that the Per Capita Distribution Plan (the "Plan"), when submitted by the Nation, is consistent with the laws of the Nation; and

WHEREAS, satisfaction of this criterion requires that the Nation amend

RESOLUTION NO. 97-303

(Enacting Amendment to Gaming Ordinance Authorizing Expenditure of Gaming Revenue for Per Capita Payments)

Page 3 of 6

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the Gaming Ordinance, prior to submission of its Plan, to allow expenditure of Gaming Revenues for per capita payments; and

WHEREAS, the Tohono O' odham Legislative Council and the Chairman of the Nation are committed to use their best efforts to implement the per capita distribution proposal as soon as reasonably possible and in a manner consistent with applicable law.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The Tohono O'odham Legislative Council hereby amends Section 302 of the Gaming Ordinance, by inserting a semicolon in place of the period at the end of subsection (d) and adding thereto a new subsection (e) to read as amended:**

Section 302. Use of Net Revenues. The net revenues received by the Nation from all Gaming Activities shall be utilized exclusively for one or more of the following purposes:

- (a) to fund government operations or programs of the Nation or Districts;**

RESOLUTION NO. 97-303

(Enacting Amendment to Gaming Ordinance Authorizing Expenditure of Gaming Revenue for Per Capita Payments)

Page 4 of 6

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(b) to provide for the general welfare of the Nation and its members;

(c) to promote the Nation's economic development;

(d) to benefit charitable organizations providing services within the Nation;

(e) to make per capita payments to enrolled members of the Nation, subject to compliance with all applicable laws of the United States and the Nation.

2. The Executive Director of the Gaming Office is authorized and directed to submit this amendment to the Gaming Ordinance to the National Indian Gaming Commission for approval, and to take all other reasonable and necessary steps for implementation of this Resolution.

3. The Gaming Ordinance shall be reprinted in its entirety bearing Ordinance Number 93-01 and showing a revision date of July 1997.

RESOLUTION NO. 97-303

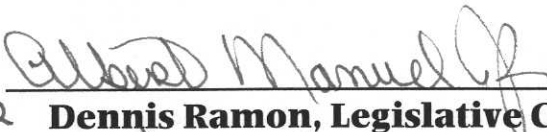
(Enacting Amendment to Gaming Ordinance Authorizing Expenditure of Gaming Revenue for Per Capita Payments)

Page 5 of 6

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The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 21ST day of JULY, 1997 at a meeting at which a quorum was present with a vote of 1,620.0 FOR; -0- AGAINST; -0- NOT VOTING; and 307.0 [08] ABSENT, pursuant to the powers vested in the Council by Section 1(c) of 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


FOR **Dennis Ramon, Legislative Chairman**
22nd day of July, 1997

ATTEST:


Julianna Saraficio, Acting Legislative Secretary

22nd day of July, 1997.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 22nd day of July, 1997 at 5:30 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.

RESOLUTION NO. 97-303

(Enacting Amendment to Gaming Ordinance Authorizing Expenditure of Gaming Revenue for Per Capita Payments)

Page 6 of 6

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TOHONO O'ODHAM LEGISLATIVE COUNCIL


FOR **Dennis Ramon, Legislative Chairman**

APPROVED

on the 23rd day of July, 1997

DISAPPROVED

at 8:50 o'clock, A.M.


EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 23rd day of

July, 1997, at 9:08 o'clock, A.M.


Julianna Saraficio, Acting Legislative Secretary

ACTION: ENACTING AMENDMENT TO GAMING ORDINANCE AUTHORIZING EXPENDITURE OF GAMING REVENUE FOR PER CAPITA PAYMENTS

MOVED: COUNCILMAN KENNETH WILLIAMS

SECOND: VICE CHAIRMAN ALBERT MANUEL, JR.

DATE: JULY 21, 1997

| DISTRICT | LEGISLATIVE REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|------------------------------------|--|----------------|----------------|------------|------------|-----------------------------|
| CHUKUT KUK 189.0 | 1. DAVID GARCIA (Marvin Thomas) | 94.5 | X | | | X |
| | 2. KENNETH WILLIAMS (Arnold F. Smith Sr.) | 94.5 | X | | | |
| HICKIWAN 146.0 | 1. ALEX JOSE () | 73.0 | | | | X |
| | 2. LLOYD FRANCISCO (Susan Sam) | 73.0 | | | | X |
| GU VO 142.0 | 1. FERN SALCIDO (Larry Montana) | 71.0 | X | | | X |
| | 2. GLORIA MONTANA (Phillip Antone) | 71.0 | X | | | |
| SAN LUCY 114.0 | 1. JOHN RENO (Mary Hoffman) | 57.0 | X | | | |
| | 2. ALBERT MANUEL, JR. (Jana Montana) | 57.0 | X | | | |
| PISINEMO 139.0 | 1. BARBARA SALVICIO () | 69.5 | X | | | |
| | 2. JOHNSON JOSE () | 69.5 | X | | | |
| GU ACHI 190.0 | 1. LOUIS JOHNSON () | 95.0 | X | | | |
| | 2. ALEX J. RAMON** () | 95.0 | X | | | |
| BABOQUIVARI 258.0 | 1. FRANCES MIGUEL () | 129.0 | X | | | X |
| | 2. FRANCES G. ANTONE (Edward N. Kisto) | 129.0 | X | | | |
| SAN XAVIER 146.0 | 1. TONY BURRELL () | 73.0 | X | | | |
| | 2. DENNIS RAMON () | 73.0 | X | | | |
| SCHUK TOAK 120.0 | 1. JOSEPH JUAN () | 60.0 | X | | | |
| | 2. AMBROSE ENCINAS () | 60.0 | X | | | |
| SELLS 322.0 | 1. LUCILLE ENCINAS (Cynthia Chico) | 161.0 | X | | | |
| | 2. EVELYN JUAN (Dennis Jose) | 161.0 | X | | | X |
| SIF OIDAK 161.0 | 1. RITA MARTINEZ (Maxine Norris) | 80.5 | | | | X |
| | 2. MARY ANN ANTONE (Darlene Andrew) | 80.5 | | | | X |
| TOTAL | | 1,927.0 | 1,620.0 | -0- | -0- | 307.0 [08] |

**PASSED VOTES