

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing the Tohono O'odham Gaming Enterprise to Create a Sinking Fund)

RESOLUTION NO. 11-428

1 **WHEREAS, the Tohono O'odham Gaming Enterprise (the "Gaming Enterprise") is a tribal**
2 **governmental enterprise of the Nation established pursuant to Article VI of the**
3 **Nation's Constitution as the tribal enterprise responsible for operating the Nation's**
4 **gaming facilities and conducting gaming activities in compliance with the**
5 **requirements of the Ordinance for the Regulation of Gaming Activities within the**
6 **Tohono O'odham Nation, Ordinance No. 93-01, as amended (16 Tohono O'odham Code**
7 **Chapter 1); and**

8 **WHEREAS, the Legislative Council adopted the Charter of the Gaming Enterprise (the "Charter")**
9 **by Resolution No. 93-311 and amended the Charter by Resolution 02-294, Resolution**
10 **No. 03-231, and Resolution 04-513 (16 Tohono O'odham Code Chapter 2); and**

11 **WHEREAS, the Charter authorizes the Gaming Enterprise, with the prior approval of the**
12 **Legislative Council, to create a sinking fund for capital expenditures such as**
13 **remodeling or additions, equipment acquisitions, expansion, and new construction**
14 **(Charter, Section 7(c)); and**

15 **WHEREAS, the Gaming Enterprise has proposed creating a sinking fund solely from the proceeds**
16 **of an additional loan, as set forth in more detail in the attached Tohono O'odham**
17 **Gaming Enterprise Sinking Fund Proposal, which is incorporated by this reference;**
18 **and**

19 **WHEREAS, the Commerce Committee and the Budget and Finance Committee of the Legislative**
20 **Council have reviewed the Tohono O'odham Gaming Enterprise Sinking Fund**
21 **Proposal and the Commerce Committee has recommended its approval.**

22 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that:**

- 23 **1. The Tohono O'odham Legislative Council approves the Gaming Enterprise's**
24 **creation of a sinking fund solely from the proceeds of an additional loan, as set**
25 **forth in more detail in the Tohono O'odham Gaming Enterprise Sinking Fund**
26 **Proposal.**
- 27 **2. The Gaming Enterprise shall use the sinking fund solely for the purposes set forth**
28 **in the Tohono O'odham Gaming Enterprise Sinking Fund Proposal, unless the**
29 **Gaming Enterprise first obtains approval by Legislative Council resolution to use**
30 **the funds for other purposes.**
- 31 **3. If the Gaming Enterprise desires to use some or all of the sinking fund for a**
32 **purpose other than for the purposes set forth in the Tohono O'odham Gaming**

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Enterprise Sinking Fund Proposal, the Gaming Enterprise will give written notice to the Nation's Executive Office and the Legislative Council before seeking the Legislative Council's approval to use the funds for another purpose.

4. If the Legislative Council authorizes the Gaming Enterprise to use some or all of the sinking fund for a purpose other than for the purposes set forth in the Tohono O'odham Gaming Enterprise Sinking Fund Proposal, the Gaming Enterprise shall report its sinking fund expenditures for those uses during regularly scheduled financial updates to the Legislative Council oversight committees and Nation's Chairperson.
5. The Gaming Enterprise's right to maintain the sinking fund shall expire on October 1, 2016, unless the Legislative Council extends the term of the sinking fund on or before that date.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 14TH Day of SEPTEMBER, 2011 at a meeting at which a quorum was present with a vote of 2,060.0 FOR; 720.60 AGAINST; -02- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Section 1 (d) and 1 (e) 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


Timothy Joaquin, Legislative Chairman

21 day of September, 2011

ATTEST:


Evonne Wilson, Legislative Secretary

20 day of September, 2011

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 21 day of September, 2011 at 2:53 o'clock, P.M., pursuant to the provisions of Section 4 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

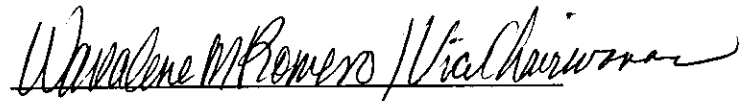

Timothy Joaquin, Legislative Chairman

APPROVED

on the 27 day of September, 2011

DISAPPROVED

at 8:55 o'clock, A.M.


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

Returned to the Legislative Secretary on the 22 day of September, 2011, at 9:53 o'clock, A.M.


Evonne Wilson, Legislative Secretary

ACTION: AUTHORIZING THE TOHONO O'ODHAM GAMING ENTERPRISE TO CREATE A SINKING FUND

MOVED: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILWOMAN FRANCES G. ANTONE

DATE: SEPTEMBER 14, 2011

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	171.0	X			
CHUKUT KUK 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X			
	2. BILLMAN LOPEZ ()	151.10	X			
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN (Rose Johnson Antone)	122.45		X	X	
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45		X		
GU VO 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X			
	2. PAMELA ANGHILL (Angela Ortiz)	113.35	X			X
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ()	93.15	X			X
PISINEMO 200.7	1. CHESTER ANTONE (<i>Absent</i>) (Tony Murrietta) (<i>Present</i>)	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
SAN LUCY 204.6	1. LORRAINE EILER ()	102.30	X			X
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
SAN XAVIER 215.8	1. HILARION CAMPUS ()	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (<i>Absent</i>) (Eugene Enis) (<i>Present</i>)	107.90	X			
SCHUK TOAK 169.8	1. FRANCES B. CONDE ()	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
SELLS 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85		X		
	2. EVELYN B. JUAN MANUEL ()	237.85		X		
SIF OIDAK 211.9	1. NICHOLAS JOSE ()	105.95	X		X	
	2. MARY LOPEZ ()	105.95	X			
TOTAL		2,780.60	2,060.0	720.60	[02]	[03]