

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving FY 2013 District Allocation and Apportionment of Gaming Revenues to
Districts by Equal Distribution)

RESOLUTION NO. 12-206

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Tohono O'odham Legislative**
2 **Council with legislative and fiscal powers, including the power "to manage any funds**
3 **within the exclusive control of the Tohono O'odham Nation, including proceeds**
4 **derived from lands and resources of the Tohono O'odham Nation" (Constitution,**
5 **Article VI, Section 1(d)(2)); and**

6 **WHEREAS, the Legislative Council has adopted a formula for distributing the Nation's gaming**
7 **revenues ("Formula"), which includes an allocation to the Nation's 11 districts**
8 **("District Allocation") (26 Tohono O'odham Code Chapter 1, §1301); and**

9 **WHEREAS, Title 26, §1304 provides that on August 1 each year the District Allocation for each**
10 **district shall be apportioned in accordance with the allocation formula established**
11 **by the Legislative Council; and**

12 **WHEREAS, the Tohono O'odham Nation Office of the Treasurer has determined the FY 2013**
13 **District Allocation to be \$15,561,503.75; and**

14 **WHEREAS, effective August 1, 2010, Section 1301(B)(ii)(a) of the Formula provides that "Fifteen**
15 **percent (15%) of the District Allocation shall be allocated to the District where the**
16 **Gaming Facility which generated such revenue is located" (the "Host District Share");**
17 **and**

18 **WHEREAS, the Tohono O'odham Nation Office of the Treasurer has calculated the FY 2013**
19 **Hickiwan Host District Share as \$39,499.49 and the San Xavier Host District Share as**
20 **\$2,294,726.08; and**

21 **WHEREAS, Section 1301(B)(ii)(b) of the Formula provides that the remainder of the District**
22 **Allocation (after allocating the Host District Share) shall be divided among all 11**
23 **Districts of the Nation in accordance with the allocation formula established by the**
24 **Legislative Council (26 T.O.C. §1304); and**

25 **WHEREAS, the Office of the Treasurer has calculated the FY 2013 remainder of the District**
26 **Allocation to be divided among all 11 districts as \$13,227,278.19; and**

27 **WHEREAS, the Legislative Budget and Finance Committee has discussed three options for**
28 **dividing the remainder of the FY 2013 District Allocation as follows: 1) equal**

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1 **distribution; 2) population distribution; and 3) 50/50 distribution (½ equal and ½**
2 **population); and**

3 **WHEREAS, the Office of the Treasurer has prepared an FY 2013 District Allocation Table, which**
4 **is incorporated by this reference, reflecting the District Allocation amounts for each**
5 **allocation method.**

6 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that the Formula**
7 **in effect on August 1 each year shall be applied to allocate gaming revenues that have**
8 **accrued in the previous twelve-month period.**

9 **BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that it hereby approves and**
10 **authorizes the allocation of the FY 2013 Hickywan Host District Share of \$39,499.49 and**
11 **the FY 2013 San Xavier Host District Share of \$2,294,726.08.**

12 **BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that the remainder of the**
13 **FY 2013 District Allocation (after allocating the Host District Share) shall be divided**
14 **among all 11 Districts of the Nation by equal distribution in accordance with the FY**
15 **2013 District Allocation Table for a distribution of \$1,202,479.84 to each district.**

16 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that all FY 2013 District**
17 **Allocation funds, including the Host District Shares, shall be made available for**
18 **expenditure subject to budgets approved in accordance with Article VI, Section 1(d)(2)**
19 **and Article IX, Section 7 of the Nation's Constitution and the additional requirements**
20 **of Tohono O'odham Code Title 26, Chapter 1, Article 3.**

21 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 25TH Day**
22 **of JUNE, 2012 at a meeting at which a quorum was present with a vote of 1,415.80 FOR;**
23 **1,364.80 AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council**
24 **by Article VI, Section 1 (d)(2) of the Constitution of the Tohono O'odham Nation, adopted by the**
25 **Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
26 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
27 **18, 1934 (48 Stat. 984).**

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29 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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33 **Timothy Joaquin, Legislative Chairman**

34 29 day of June, 2012
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1 ATTEST:

2 *Evonne Wilson*

3 _____
4 Evonne Wilson, Legislative Secretary

5
6 29 day of June, 2012.

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8 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham
9 Nation on the 29 day of June, 2012 at 4:49 o'clock, P.M.,
10 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
11 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
12 submittal.

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14 TOHONO O'ODHAM LEGISLATIVE COUNCIL

15 *Timothy Joaquin*

16 _____
17 Timothy Joaquin, Legislative Chairman

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24 APPROVED

on the 03 day of July, 2012

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26 DISAPPROVED

at 1:05 o'clock, P.M.

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28 *Ned Norris, Jr.*
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30 NED NORRIS, JR., CHAIRMAN
31 TOHONO O'ODHAM NATION

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37 Returned to the Legislative Secretary on the 03 day of

38 July, 2012, at 2:21 o'clock, P.M.

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41 *Evonne Wilson*
42 _____
43 Evonne Wilson, Legislative Secretary

ACTION: APPROVING FY 2013 DISTRICT ALLOCATION AND APPORTIONMENT OF GAMING REVENUES TO DISTRICTS BY EQUAL DISTRIBUTION

MOVED: COUNCILWOMAN OLIVIA VILLEGAS-LISTON SECOND: COUNCILWOMAN FRANCES B. STEPHENS

DATE: JUNE 25, 2012

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 <i>(Absent)</i> (Vernon Smith) <i>(Present)</i>	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 ()	122.45		X		
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45		X		
GU VO 226.7	1. GRACE MANUEL <i>(Absent)</i> (Floyd Flores) <i>(Present)</i>	113.35	X			X
	2. PAMELA ANGHILL (Roselda Lewis)	113.35	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 (Tony Murrietta)	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
SAN LUCY 204.6	1. LORRAINE EILER ()	102.30	X			
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
SAN XAVIER x 215.8	1. HILARION CAMPUS <i>(Absent)</i> (Racheal Vilson-Stoner) <i>(Present)</i>	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X			
SCHUK TOAK 169.8	1. FRANCES B. STEPHENS (Anthony J. Rios)	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
SELLS 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85		X		X
	2. EVELYN B. JUAN MANUEL ()	237.85		X		
SIF OIDAK 211.9	1. NICHOLAS JOSE ()	105.95	X			
	2. MARY LOPEZ ()	105.95	X			
TOTAL		2,780.60	1,415.80	1,364.80	-0-	[03]