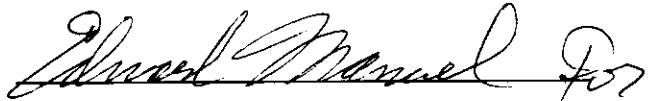# RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending Subsections 1301(A) and (B) of 26 Tohono O'odham Code Chapter One, Article 3 - Gaming Revenue Distribution Formula and District Allocation Guidelines for Fiscal Years 2014 and 2015)

DEFEATED
RESOLUTION NO. 13-172

1   WHEREAS,   the Constitution of the Tohono O'odham Nation vests the Tohono O'odham Legislative

2   Council with broad legislative and fiscal powers, including the power "to manage any

3   funds 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 Budget and Finance Committee is delegated the power to

7   "review and recommend [to the Legislative Council] legislative measures or actions

8   affecting . . . general revenue sharing" (Plan of Operation, Section 1(b)(7)(ii)); and

9   WHEREAS,   by Resolution No. 06-535, the Legislative Council codified within the Tohono O'odham

10   Code the Gaming Revenue Distribution Formula and District Allocation Guidelines

11   enacted by Resolution No. 94-098, as amended, and Resolution No. 95-397 (26 T.O.C.

12   Chapter 1, Article 3); and

13   WHEREAS,   the Formula and Guidelines were "established for purposes of allocating all revenue

14   from Gaming Facilities paid to the Nation by the Gaming Enterprise pursuant to

15   Section 7(e) of the Gaming Enterprise Charter (hereinafter referred to as 'Gaming

16   Revenues')" (26 T.O.C. Chapter 1, Article 3, Section 1301); and

17   WHEREAS,   the Formula currently allocates 30% of Gaming Revenues to long-term investments

18   and an aggregate of 70% to the Nation's general fund and the District Allocation

19   (subsections 1301(A) and (B)); and

20   WHEREAS,   as a temporary measure to support government operations and services to Nation's

21   members, the Budget and Finance Committee recommends allocating 100% of Gaming

22   Revenues under 1301(B) to the Nation's general fund and the District Allocation for

23   Fiscal Years 2014 and 2015 in accordance with the Gaming Revenue Distribution

24   Formula and District Allocation Guidelines Fiscal Year 2014-2015 Amendment, which

25   is incorporated by this reference.

26   NOW, THEREFORE, BE IT RESOLVED by the Tohono O"odham Legislative Council that Section 1301

27   of 26 Tohono O"odham Code, Chapter One, Article 3, Gaming Revenue Distribution

28   Formula and District Allocation, is hereby amended effective August 1, 2013 to allocate

29   100% of Gaming Revenues to the subsection 1301(B) allocation and to suspend the

30   allocation to subsection 1301(A) investments for Fiscal Years 2014 and 2015 in

31   accordance with the Gaming Revenue Distribution Formula and District Allocation

32   Guidelines Fiscal Year 2014-2015 Amendment.

1   BE IT FURTHER RESOLVED by the Tohono O'odham Legislative Council that the remaining

2   provisions of subsection 1301(A) shall remain in effect and the Nation's long-term

3   investments shall be invested, any interest shall be reinvested, and such funds may be

4   disbursed in accordance with the Nation's Financial Investment Policy and the

5   provisions of subsection 1301(A).

6   BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the Gaming Revenue

7   Distribution Formula and District Allocation Guidelines Fiscal Year 2014-2015

8   Amendment approved by this resolution shall expire September 30, 2015 and Section

9   1301 of the Gaming Revenue Distribution Formula allocation shall revert to the

10   allocation percentages in effect on May 1, 2013.

11 The foregoing Resolution was defeated by the Tohono O'odham Legislative Council on the 20TH Day

12 of MAY, 2013 at a meeting at which a quorum was present with a vote of 911.55 FOR; 1,869.05

13 AGAINST;[02] NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by

14 Article VI, Section 1 (d)(2)& (e) of the Constitution of the Tohono O'odham Nation, adopted by the

15 Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant

16 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
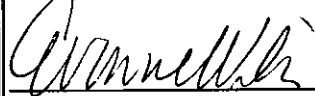
17 18, 1934 (48 Stat. 984).

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19   TOHONO O'ODHAM LEGISLATIVE COUNCIL

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22   Timothy Joaquin, Legislative Chairman

23   27 day of June, 2013

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26 ATTEST:

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29 Evonne Wilson, Legislative Secretary

30 30 day of June, 2013

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DEFEATED

RESOLUTION NO. <u>13-172</u>

ACTION: AMENDING SUBSECTIONS 1301(A) AND (B) OF 26 TOHONO O'ODHAM CODE CHAPTER ONE, ARTICLE 3 - GAMING REVENUE DISTRIBUTION FORMULA AND DISTRICT ALLOCATION GUIDELINES FOR FISCAL YEARS 2014 AND 2015

MOVED: COUNCILWOMAN FRANCES MIGUEL   SECOND: COUNCILWOMAN OLIVIA VILLEGAS-LISTON

DATE: MAY 20, 2013

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 *(Absent)* (Vernon Smith)*(Present)*	171.0	X			
CHUKUT KUK 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.0	X			
	2. BILLMAN LOPEZ ( )	151.0		X		
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN ( )	122.45		X		
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45		X	X	
GU VO 226.7	1. GRACE MANUEL ( )	113.35		X		
	2. PAMELA ANGHILL ( )	113.35		X		
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15		X		
	2. SANDRA ORTEGA ( )	93.15		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		X	
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
SAN XAVIER 215.8	1. HILARION CAMPUS (Racheal Vilson-Stoner)	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		
	2. MARIA ACKERMAN ( )	237.85		X		X
SIF OIDAK 211.9	1. NICHOLAS JOSE ( )	105.95		X		
	2. MARY LOPEZ ( )	105.95	X			
TOTAL		2,780.60	911.55	1,869.05	[02]	[01]