

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving FY 2010 District Allocation and Apportionment of Gaming Revenues  
to Districts by Equal Distribution)**

**RESOLUTION NO. 09-425**

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 2010**  
13 **District Allocation to be \$25,617,250.58; and**

14 **WHEREAS, effective August 1, 2009, Section 1301(B)(ii)(a) of the Formula provides that "Twenty**  
15 **percent (20%) 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 2010**  
19 **Hickiwan Host District Share as \$39,031.32 and the San Xavier Host District Share as**  
20 **\$5,084,418.79; 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 2010 remainder of the District**  
26 **Allocation to be divided among all 11 districts as \$20,493,800.46; and**

27 **WHEREAS, the Legislative Budget and Finance Committee has discussed three options for**  
28 **dividing the remainder of the FY 2010 District Allocation as follows: 1) equal**  
29 **distribution; 2) population distribution; and 3) 50/50 distribution (½ equal and ½**  
30 **population); and**

31 **WHEREAS, the Office of the Treasurer has prepared an FY 2009 District Distribution Table, which**  
32 **is incorporated by this reference, reflecting the District Allocation amounts for each**  
33 **allocation method.**

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

4 **BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that it hereby approves and  
5 **authorizes the allocation of the FY 2010 Hickiwan Host District Share of \$39,031.32 and**  
6 **the FY 2010 San Xavier Host District Share of \$5,084,418.79.**

7 **BE IT FURTHER RESOLVED** by the Tohono O'odham Legislative Council that the remainder of the  
8 **FY 2010 District Allocation (after allocating the Host District Share) shall be divided**  
9 **among all 11 Districts of the Nation by equal distribution in accordance with the FY**  
10 **2010 District Distribution Table for a distribution of \$1,863,072.77 to each district.**

11 **BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that all FY 2010 District  
12 **Allocation funds, including the Host District Shares, shall be made available for**  
13 **expenditure subject to budgets approved in accordance with Article VI, Section 1(d)(2)**  
14 **and Article IX, Section 7 of the Nation's Constitution and the additional requirements**  
15 **of Tohono O'odham Code Title 26, Chapter 1, Article 3.**

16 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 16<sup>TH</sup>. Day**  
17 **of [JULY, 2009 at a meeting at which a quorum was present with a vote of 1,544.9 FOR; 1,050.6**  
18 **AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article**  
19 **VI Section 1 (d)(2) of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**  
20 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**  
21 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**  
22 **Stat. 984).**

23 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

24  
25 *Felicia Munoz for*  
26 **Verlon M. Jose, Legislative Chairman**  
27 *23<sup>rd</sup>* day of *July*, 2009

28  
29  
30 **ATTEST:**

31 *Evonne Wilson*  
32 \_\_\_\_\_  
33 **Evonne Wilson, Legislative Secretary**  
34 *16* day of *July*, 2009.

35  
36 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham**  
37 **Nation on the 23<sup>rd</sup> day of July, 2009 at 9:06 o'clock, a.M.,**  
38 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**  
39 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

*Jelliea Nealey for*  
Verlon M. Jose, Legislative Chairman

APPROVED

on the 23 day of July, 2009

DISAPPROVED

at 11:00 o'clock, h .M.

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

Returned to the Legislative Secretary on the 23 day of

July, 2009, at 12:12 o'clock, P .M.

*Evonne Wilson*  
Evonne Wilson, Legislative Secretary

**ACTION: APPROVING FY 2010 DISTRICT ALLOCATION AND APPORTIONMENT OF GAMING REVENUES TO DISTRICTS BY EQUAL DISTRIBUTION**

**MOVED: COUNCILWOMAN FRANCES CONDE**

**SECOND: COUNCILMAN TIMOTHY JOAQUIN**

**DATE: JULY 16, 2009**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF OIDAK</b> <b>198.7</b>	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			
	2. MARY LOPEZ ( )	99.35	X			
<b>SELLS</b> <b>449.6</b>	1. KIMBERLY LISTO ( )	224.80		X		
	2. EVELYN B. JUAN MANUEL ( )	224.80		X		
<b>SCHUK TOAK</b> <b>159.0</b>	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
<b>SAN XAVIER</b> <b>204.7</b>	1. FELICIA NUÑEZ ( )	102.35	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35	X			
<b>SAN LUCY</b> <b>187.1</b>	1. LORRAINE EILER (Charlotte Cadavas)	93.55	X			
	2. GLORIA RAMIREZ ( )	93.55	X			
<b>PISINEMO</b> <b>184.5</b>	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
<b>HICKIWAN</b> <b>174.5</b>	1. MICHELLE ORTEGA ( )	87.25	X			
	2. SANDRA ORTEGA ( )	87.25	X			X
<b>GU VO</b> <b>206.3</b>	1. GRACE MANUEL ( )	103.15	X			
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			
<b>GU ACHI</b> <b>230.1</b>	1. TIMOTHY L. JOAQUIN ( )	115.05	X			
	2. CYNTHIA E. MANUEL ( )	115.05	X			
<b>CHUKUT KUK</b> <b>277.0</b>	1. ETHEL GARCIA (Sara Mae Williams)	138.50		X		
	2. VERLON M. JOSE ( )	138.50		X		
<b>BABOQUIVARI</b> <b>324.0</b>	1. FRANCES MIGUEL (Roberta Harvey)	162.0		X		
	2. FRANCES G. ANTONE ( )	162.0		X		