

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving Amended FY2017 Gaming Compact Section 12(d) 12% Distribution List)**

**RESOLUTION NO. 18-110**

1 **WHEREAS, by Resolution No. 02-562, the Tohono O'odham Nation ("Nation") approved a new**  
2 **tribal-state gaming compact ("Compact") with the State of Arizona; and**

3 **WHEREAS, pursuant to Section 12 of the Compact, the Nation agreed to make certain tribal**  
4 **contributions in consideration for substantial exclusivity covenants by the State,**  
5 **and pursuant to Section 12(d), the Nation agreed to contribute 12% of its total**  
6 **annual contribution (the "12%" Distribution") to cities, towns, and counties, for**  
7 **services that benefit the public; and**

8 **WHEREAS, pursuant to Section 12 (e)(2) of the Compact the 12% Distribution disbursement**  
9 **shall be transmitted to the recipient no later than sixty (60) days after the last day**  
10 **of the Gaming Facility Operator's fiscal year; and**

11 **WHEREAS, Section 7(d) of the Gaming Enterprise Charter, 16 T.O.C. Chapter 2, directs the**  
12 **Tohono O'odham Gaming Enterprise to "timely pay the contribution required**  
13 **under Section 12(d) of the Compact in accordance with the directives of the**  
14 **Legislative Council. The Enterprise shall comply with all accounting, auditing,**  
15 **and record keeping requirements and obligations of the Nation under the**  
16 **Compact relating to the payment of regulatory costs and tribal contributions as**  
17 **required under Section 12 of the Compact."; and**

18 **WHEREAS, Legislative Council, through Resolution No. 17-418, approved the 2017 12%**  
19 **Distribution List that lists grantees for the disbursement of the FY2017 Gaming**  
20 **Compact Section 12(d) 12% Contribution; and**

21 **WHEREAS, a grantee on the 2017 12% Distribution List returned its 2017 award after it was**  
22 **disbursed to the grantee; and**

23 **WHEREAS, the Commerce Committee and the Chairman of the Nation selected another**  
24 **grantee not listed on the 2017 12% Distribution List to replace the above grantee;**  
25 **and**

26 **WHEREAS, the Commerce Committee and the Chairman of the Nation recommend that the**  
27 **Legislative Council approve awards to grantees for the designated purposes and**  
28 **in the amounts appearing on the amended 2017 12% Distribution List,**  
29 **incorporated by this reference.**

30 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves**  
31 **payments to the listed grantees for the purposes identified in the amended 2017**  
32 **12% Distribution List, which shall remain confidential and shall not be reported**  
33 **or disclosed; provided, that information concerning individual awards may be**

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1 released without disclosing the total amount of the amended 2017 12%  
2 Distribution.

3 **BE IT FURTHER RESOLVED** that if the designated grantees are unable to receive and expend the  
4 12% Distribution in accordance with this resolution and the Compact, the  
5 Commerce Committee and Nation's Chairperson are authorized to jointly  
6 approve amendments to the amended 2017 12% Distribution List awards that are  
7 made exclusively to the grantees identified in the amended 2017 12% Distribution  
8 List, that are solely for purposes permitted under Section 12(d) of the Compact,  
9 and that collectively do not exceed 10% of the total Distribution amount.

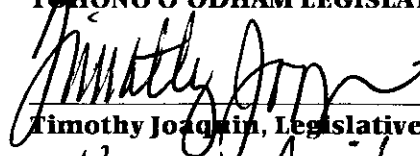
10 **BE IT FURTHER RESOLVED** that the Nation's Chairman and Commerce committee are  
11 authorized to jointly approve grantees' requests to spend unused remaining  
12 funds identified in the amended 2017 12% Distribution List that are solely for  
13 purposes permitted under Section 12(d) of the Compact and that fall within the  
14 scope of work identified in the grantee's proposal as approved by Council.

15 **BE IT FURTHER RESOLVED** that the Tohono O'odham Legislative Council authorizes the  
16 Chairman of the Nation to execute grant agreements with the grantees as  
17 necessary in accordance with the amended 2017 12% Distribution List and the  
18 terms of this resolution.

19 **BE IT FINALLY RESOLVED** that the Tohono O'odham Gaming Enterprise, in consultation with the  
20 Office of the Chairman, is directed to issue checks in the amounts approved in the  
21 amended 2017 12% Distribution List or as otherwise provided by this resolution  
22 to either the grantee or the flow-through municipality; provided, that such  
23 checks shall be issued no later than sixty (60) days after the last day of the Gaming  
24 Facility Operator's fiscal year and shall be mailed by certified mail to the  
25 designated grantees with copies of the approved grant agreements provided to  
26 the Office of the Attorney General.

27 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09<sup>TH</sup>**  
28 **day of APRIL, 2018 at a meeting at which a quorum was present with a vote of 3,084.6 FOR; -0-**  
29 **AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by**  
30 **Article VI, Section 1(d)(2) and 1(f) of the Constitution of the Tohono O'odham Nation, adopted by**  
31 **the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**  
32 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**  
33 **18, 1934 (48 Stat.984).**

34  
35 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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40 Timothy Joaquin, Legislative Chairman  
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13 day of April, 2018

1 ATTEST:

2 *Evonne Wilson*  
3  
4 Evonne Wilson, Legislative Secretary

5 13 day of April, 2018

8 Said Resolution was submitted for approval to the office of the Chairman of the Tohono  
9 O'odham Nation on the 13 day of April, 2018 at 9:16 o'clock, P.m.,  
10 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become  
11 effective upon his approval or upon his failure to either approve or disapprove it within 48  
12 hours of submittal.

14 TOHONO O'ODHAM LEGISLATIVE COUNCIL

15 *Timothy Joaquin*  
16  
17 Timothy Joaquin, Legislative Chairman

23  APPROVED

on the 16 day of April, 2018

25  DISAPPROVED

at 5:35 o'clock, P.m.

27 *Edward D. Manuel*  
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29 EDWARD D. MANUEL, CHAIRMAN  
30 TOHONO O'ODHAM NATION

35 Returned to the Legislative Secretary on the 17 day of

36 April, 2018, at 11:35 o'clock, a.m.

39 *Evonne Wilson*  
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41 Evonne Wilson, Legislative Secretary

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ACTION: APPROVING AMENDED FY2017 GAMING COMPACT SECTION 12(D) 12% DISTRIBUTION LIST

MOVED: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILMAN BILLMAN LOPEZ

DATE: APRIL 09, 2018

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 235.8	1. MARY LOPEZ ( )	117.9	X			
	2. LUCINDA ALLEN (Yolonda Garcia)	117.9	X			
SELLS 527.2	1. ARTHUR WILSON (Evelyn Juan Manuel)	263.6	X			
	2. ADRIANNE TILLER (Idaleen Reyes)	263.6	X			
SCHUK TOAK 185.7	1. ANTHONY J. FRANCISCO JR. (Teresa F. Donahue)	92.85	X			X
	2. QUINTIN C. LOPEZ (Agnes V. Joaquin)	92.85	X			
SAN XAVIER 232.3	1. DANIEL L.A. PRESTON III (Felicia Nunez)	116.15	X			
	2. JANICE FELIX ( )	116.15	X			
SAN LUCY 231.1	1. JANA MONTANA ( <i>Absent</i> ) (Diana Manuel) ( <i>Present</i> )	115.55	X			
	2. GLORIA RAMIREZ (Lorraine Eller)	115.55	X			
PISINEMO 225.9	1. CHESTER ANTONE (Caroline D. Garcia)	112.95	X			
	2. MONICA K. MORGAN ( )	112.95	X			
HICKIWAN 209.0	1. LOUIS R. LOPEZ (Shirley Molina)	104.5	X			
	2. SANDRA D. ORTEGA ( )	104.5	X			X
GU VO 256.9	1. GRACE MANUEL ( )	128.45	X			
	2. DALLAS LEWIS (Nacho Flores)	128.45	X			
GU ACHI 270.9	1. TIMOTHY L. JOAQUIN (Lonis L. Johnson)	135.45	X			
	2. LORETTA LEWIS (Victoria Hobbs)	135.45	X			
CHUKUT KUK 337.7	1. BILLMAN LOPEZ (Patricia Antone)	168.85	X			
	2. VIVIAN JUAN-SAUNDERS (Juanita Homer)	168.85	X			
BABOQUIVARI 372.1	1. FRANCES MIGUEL (Roberta E. Harvey)	186.05	X			
	2. LEANDER MASE (Francine Schooling)	186.05	X			
TOTAL		3,084.6	3,084.6	-0-	-0-	[02]