

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the Revised Mining Lease Addendum No. 5)**

RESOLUTION NO. 17-258

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with**
2 **the authority to "consult, negotiate, and conclude agreements and contracts on**
3 **behalf of the Tohono O'odham Nation with Federal, State, and local governments**
4 **and other Indian tribes or their departments, agencies, or political subdivisions,**
5 **or with private persons or organizations..." (Constitution of the Tohono O'odham**
6 **Nation, Article VI, Section 1(f)); and**

7 **WHEREAS, Cyprus Tohono Corporation ("Cyprus") and the Tohono O'odham Nation**
8 **("Nation") entered into the Mining Lease on July 23, 1987 (Resolution No. 243-87),**
9 **and Addendum on March 26, 1992 (Resolution No. 92-093), Addendum No. 2 on**
10 **February 3, 1993 (Resolution No. 93-012), Addendum No. 3 on October 21, 1993**
11 **(Resolution No. 93-370), and Addendum No. 4 on May 28, 1999 (Resolution No. 99-**
12 **234) ("collectively the Mining Lease"); and**

13 **WHEREAS, the Mining Lease will expire on July 23, 2017; and**

14 **WHEREAS, Cyprus and the Nation entered into negotiations to extend the Mining Lease to**
15 **determine a framework for future negotiations that could lead to the reopening**
16 **of the Cyprus Tohono Mine, to extend the term of the Mining Lease, and to**
17 **determine a mutually agreeable annual rental rate for the 4,180 acres that are the**
18 **subject of the Mining Lease; and**

19 **WHEREAS, Cyprus and the Nation have reached mutual agreement as to the terms of the**
20 **Mining Lease Addendum No. 5, which includes a framework for future**
21 **negotiations that could lead to the reopening of the Cyprus Tohono Mine, extends**
22 **the terms of the Mining Lease to July 23, 2037, and establishes an annual rental**
23 **rate of \$313,557.82 for the 4,180 acres that are the subject of the Mining Lease; and**

24 **WHEREAS, by Resolution No. 16-259, the Legislative Council approved Mining Lease**
25 **Addendum No. 5 and Mining Lease Addendum No. 5 was submitted to the**
26 **Department of the Interior in accordance with its terms; and**

27 **WHEREAS, the Department of the Interior requires certain revisions to Mining Lease**
28 **Addendum No. 5 in order to secure its approval, as set out in the attached revised**
29 **Mining Lease Addendum No. 5; and**

30 **WHEREAS, the Agricultural and Natural Resources Committee has reviewed the revised**
31 **Mining Lease Addendum No. 5 and recommends approval.**

32 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it approves**
33 **the revised Mining Lease Addendum No. 5 and authorizes the chairperson of the**
34 **Nation to execute it in substantially in the form attached hereto.**

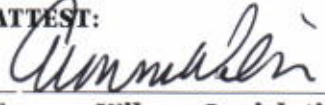
The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 22ND day of JUNE, 2017 at a meeting at which a quorum was present with a vote of 2,704.85 FOR; 379.75 AGAINST; -0- NOT VOTING; and -0- ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(f) 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
27th day of June, 2017

ATTEST:



Evonne Wilson, Legislative Secretary
27 day of June, 2017

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 27 day of June, 2017 at 11:30 o'clock, a.m., pursuant to the provisions of Section 5 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 June, 2017

DISAPPROVED

at 4:12 o'clock, P.m.



EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

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RESOLUTION NO. 17-258

(Approving the Revised Mining Lease Addendum No. 5)

Page 3 of 3

1 Returned to the Legislative Secretary on the 28 day of
2
3 June, 2017, at 10:06 o'clock, a.m.
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7 **Evonne Wilson, Legislative Secretary**
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ACTION: APPROVING THE REVISED MINING LEASE ADDENDUM NO. 5

MOVED: COUNCILMAN BILLMAN LOPEZ

SECOND: COUNCILWOMAN JANICE FELIX

DATE: JUNE 22, 2017

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 (Beverly Rivas)	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			
	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 (Rachael Vilson-Stoner)	116.15	X			
SAN LUCY 231.1	1. JANA MONTANA ()	115.55	X			
	2. GLORIA RAMIREZ (Lorraine Eiler)	115.55	X			
PISINEMO 225.9	1. CHESTER ANTONE (<i>Absent</i>) (Caroline D. Garcia) (<i>Present</i>)	112.95	X			
	2. MONICA K. MORGAN ()	112.95	X			
HICKIWAN 209.0	1. LOUIS R. LOPEZ (<i>Absent</i>) (Shirley Molina) (<i>Present</i>)	104.5	X			
	2. SANDRA D. ORTEGA ()	104.5	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 (Louis L. Johnson)	135.45	X			
	2. LORETTA LEWIS (Victoria Hobbs)	135.45	X			
CHUKUT KUK 337.7	1. BILLMAN LOPEZ (Patricia Vicenti)	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 ()	186.05	X			
TOTAL		3,084.6	2,704.85	379.75	-0-	-0-