

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Amendments to the Tohono O'odham Gaming Enterprise's Sublease
with the San Xavier Development Authority and a New Sublease with the
San Xavier Development Authority)

RESOLUTION NO. 06-111

1 **WHEREAS, the Nation entered into a sublease with the San Xavier Development Authority**
2 **("SXDA") on February 6, 1983, for the lease of land located within the San Xavier**
3 **Industrial Park for the purpose of constructing and operating the Nation's gaming**
4 **facility then known as Papago Bingo; and**

5 **WHEREAS, the sublease was approved by both the Nation and the Secretary of the Interior; and**
6 **WHEREAS, the Nation subsequently negotiated and executed amendments to the sublease with**
7 **the SXDA to accommodate the expanded scope of gaming permitted under the**
8 **Nation's 1993 gaming compact and to increase the rental payment to the SXDA, which**
9 **the Legislative Council approved by Resolutions No. 93-335 and 94-151; and**

10 **WHEREAS, the Legislative Council has provided in Section 301 of the Ordinance for Regulation**
11 **of Gaming Activities Within the Tohono O'odham Nation (the "Gaming Ordinance"),**
12 **which ordinance was adopted pursuant to Resolution No. 93-296 and amended by**
13 **Resolution 97-150, Resolution 97-168, Resolution 97-303, Resolution 99-206, and**
14 **Resolution No. 03-084, that all gaming activities conducted within the Nation shall be**
15 **owned entirely by the Nation and conducted and operated by a tribal enterprise; and**

16 **WHEREAS, the Legislative Council adopted the Charter of the Tohono O'odham Gaming**
17 **Enterprise, which formerly was known as the Tohono O'odham Gaming Authority (the**
18 **"Gaming Enterprise"), by Resolution No. 93-311 and amended the Charter by**
19 **Resolution 02-294, Resolution No. 03-231, and Resolution 04-513; and**

20 **WHEREAS, in accordance with its Charter, the Gaming Enterprise is the tribal enterprise**
21 **responsible for operating the Nation's gaming facilities and conducting gaming**
22 **activities in compliance with the requirements of the Gaming Ordinance; and**

23 **WHEREAS, the sublease authorized the Nation to assign all of its right, title and interest in the**
24 **sublease to the Gaming Enterprise, which the Nation did on March 31, 1995; and**

25 **WHEREAS, the SXDA and the Gaming Enterprise subsequently negotiated and executed an**
26 **amendment to the sublease in or about March 1996 to include two additional parcels**
27 **of land under the sublease (the "1996 Amendment"), which the Legislative Council**
28 **approved by Resolution No. 98-348; and**

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1 **WHEREAS, the original term of the sublease expired on August 31, 1998, and the Gaming**
2 **Authority exercised its rights under the sublease to extend its term for a period of**
3 **fifteen years commencing on September 1, 1998, by executing a Lease Renewal**
4 **Agreement with the SXDA, which the Legislative Council approved by Resolution No.**
5 **98-348; and**

6 **WHEREAS, the Gaming Enterprise proposes to enter into a second amendment to the sublease**
7 **with the SXDA to include an additional land within the San Xavier Industrial Park to**
8 **allow the Gaming Enterprise to construct a new gaming facility to replace the existing**
9 **gaming facility (the "2005 Amendment"), subject to the approval of the Legislative**
10 **Council; and**

11 **WHEREAS, the Gaming Enterprise proposes to enter into a new sublease with the SXDA for**
12 **additional land within the San Xavier Industrial Park to allow the Gaming Enterprise**
13 **to construct a new hotel adjacent to the new gaming facility (the "Hotel Sublease"),**
14 **subject to the approval of the Legislative Council.**

15 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby approves**
16 **and authorizes the following:**

- 17 **1. Pursuant to Section 5(d)(6) of the Charter of the Gaming Enterprise, the**
18 **Legislative Council hereby approves the terms of the 2005 Amendment to the**
19 **sublease between the Gaming Enterprise and the SXDA, as set forth in the Second**
20 **Amended Sublease that is attached to this Resolution as Exhibit A.**
- 21 **2. Pursuant to Section 5(d)(6) of the Charter of the Gaming Enterprise, the**
22 **Legislative Council hereby approves the terms of the Hotel Sublease between the**
23 **Gaming Enterprise and the SXDA, as set forth in the Sublease that is attached to**
24 **this Resolution as Exhibit B.**

25 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 22ND. Day**
26 **of FEBRUARY, 2006 at a meeting at which a quorum was present with a vote of 1,177.4 FOR; 1,070.3**
27 **AGAINST; 193.1 NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by**
28 **Section 1 (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**
29 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
30 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
31 **Stat. 984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Evelyn B. Juan Manuel, Legislative Chairwoman

27 day of February, 2006

ATTEST:




Lucille Lopez, Acting Legislative Secretary

28 day of February, 2006.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 27 day of February, 2006 at 3:09 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL



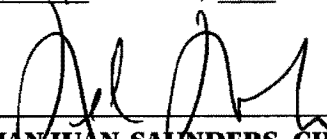
Evelyn B. Juan Manuel, Legislative Chairwoman

APPROVED

on the 27th day of February, 2006

DISAPPROVED

at 4:34 o'clock, P.M.



VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 27 day of

February, 2006, at 4:43 o'clock, P.M.



Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING AMENDMENTS TO THE TOHONO O'ODHAM GAMING ENTERPRISE'S SUBLEASE WITH THE SAN XAVIER DEVELOPMENT AUTHORITY AND A NEW SUBLEASE WITH THE SAN XAVIER DEVELOPMENT AUTHORITY

MOVED: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILWOMAN FELICIA NUNEZ

DATE: FEBRUARY 22, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL ()	155.40	X			
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			
CHUKUT KUK 258.7	1. ETHEL GARCIA** ()	129.35		X		
	2. VERLON M. JOSE (David Garcia)	129.35		X		
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80		X		
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80		X		
GU VO 193.1	1. RAYMOND VICTOR ()	96.55			X	
	2. MICHAEL FLORES (Grace Manuel)	96.55			X	
HICKIWAN 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70	X			
	2. SANDRA ORTEGA ()	83.70	X			
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. JOHN W. LAWSON, SR. ()	84.50		X		
	2. GLORIA RAMIREZ ()	84.50		X		
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			
	2. OLIVIA VILLEGAS-LISTON ()	96.90	X			
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X			
	2. PHYLLIS JUAN ()	73.45	X			
SELLS 421.0	1. MARLENE SARAFICIO-JUAN** ()	210.50		X		
	2. EVELYN B. JUAN MANUEL ()	210.50		X		
SIF OIDAK 186.7	1. WAVALENE SAUNDERS (Isidro Lopez)	93.35	X			X
	2. DARLENE ANDREW (Rita Martinez)	93.35	X			
TOTAL		2,440.80	1,177.4	1,070.3	193.1	[01]

**PASSED VOTES