

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Gaming Device Operating Rights Transfer Agreement Between the
San Juan Southern Paiute Tribe and the Tohono O'odham Nation)

RESOLUTION NO. 06-782

- 1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to "consult,**
2 **negotiate and conclude agreements and contracts on behalf of the Tohono O'odham**
3 **Nation with Federal, State and local governments and other Indian tribes . . . on all**
4 **matters within the authority of the Tohono O'odham Council" (Constitution of the**
5 **Tohono O'odham Nation, Article VI, Section 1(f)); and**
- 6 **WHEREAS, the Legislative Council has established the Tohono O'odham Gaming Enterprise**
7 **("Gaming Enterprise") to conduct gaming activities in order to promote economic**
8 **development, provide training and employment, and generate revenue that provides**
9 **for the general welfare of the Nation and its members (Charter of the Tohono**
10 **O'odham Gaming Enterprise, Section 1(a) and Section 4); and**
- 11 **WHEREAS, the Gaming Enterprise conducts class III gaming activities, including the operation**
12 **of gaming devices (slot machines), in accordance with the Tohono O'odham**
13 **Nation-State of Arizona Gaming Compact ("Compact"); and**
- 14 **WHEREAS, Section 3(c) of the Compact currently grants the Nation one thousand four hundred**
15 **(1,400) gaming device operating rights and also permits the Nation to acquire an**
16 **additional one thousand and twenty (1,020) gaming device operating rights through**
17 **transfer agreements allowing the Nation to operate some or all of other Indian tribes'**
18 **unused gaming device operating rights in addition to the Nation's current gaming**
19 **device allocation; and**
- 20 **WHEREAS, the Gaming Enterprise currently operates one thousand four hundred (1,400) gaming**
21 **devices comprising the Nation's entire current gaming device allocation and an**
22 **additional two hundred (200) gaming devices using two hundred (200) gaming device**
23 **operating rights acquired under a Gaming Device Operating Rights Transfer**
24 **Agreement with the Navajo Nation, with a term that expires in February 2008; and**
- 25 **WHEREAS, the Gaming Enterprise is unable to operate additional gaming devices unless the**
26 **Nation acquires additional gaming device operating rights; and**
- 27 **WHEREAS, by Resolution 06-575, the Legislative Council authorized the Commerce Committee**
28 **and Chairperson of the Nation to consult with other Indian tribes and to negotiate the**
29 **transfer of additional gaming device operating rights in such numbers and on such**
30 **terms as the Commerce Committee and Chairperson of the Nation deemed**
31 **appropriate, after consultation with the Gaming Enterprise, provided that any**

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1 **resulting agreement would be subject to final approval by the Legislative Council;**
2 **and**

3 **WHEREAS, the San Juan Southern Paiute Tribe has a current gaming device allocation of four**
4 **hundred seventy-five (475) gaming devices, and currently has transferred all of its**
5 **gaming device operating rights to the Pascua Yaqui Tribe; and**

6 **WHEREAS, at the request of the Pascua Yaqui Tribe, the San Juan Southern Paiute Tribe is in the**
7 **process of terminating its existing transfer as to one hundred fifty (150) of its gaming**
8 **device operating rights and the transfer of its remaining three hundred twenty-five**
9 **(325) gaming device operating rights will terminate at 11:59 p.m. on August 25, 2008;**
10 **and**

11 **WHEREAS, the Legislative Council Commerce Committee and Nation's Chairwoman have**
12 **negotiated a Gaming Device Operating Rights Transfer Agreement between the San**
13 **Juan Southern Paiute Tribe and the Tohono O'odham Nation ("Transfer Agreement")**
14 **providing for the immediate transfer of one hundred fifty (150) gaming device**
15 **operating rights to the Tohono O'odham Nation and the transfer all of the San Juan**
16 **Southern Paiute Tribe's gaming device operating rights to the Nation when the**
17 **transfer to the Pascua Yaqui Tribe expires on August 25, 2008, for the balance of the**
18 **term of the San Juan Southern Paiute Tribe's gaming compact; and**

19 **WHEREAS, the Legislative Council Commerce Committee and Nation's Chairwoman have**
20 **recommended that the Nation enter into the Transfer Agreement in the form**
21 **attached hereto.**

22 **NOW, THEREFORE, BE IT RESOLVED THAT the Tohono O'odham Legislative Council hereby: (1)**
23 **approves the Gaming Device Operating Rights Transfer Agreement between the San**
24 **Juan Southern Paiute Tribe and the Tohono O'odham Nation in the form attached**
25 **hereto; (2) authorizes and directs the Chairwoman of the Nation to execute the**
26 **Transfer Agreement; and (3) directs the Tohono O'odham Gaming Enterprise to timely**
27 **make to the San Juan Southern Paiute Tribe all payments required under the**
28 **Transfer Agreement.**

29 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 29TH Day**
30 **of NOVEMBER, 2006 at a meeting at which a quorum was present with a vote of 2,440.80 FOR; -0-**
31 **AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
32 **Section 1 (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**
33 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
34 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
35 **Stat. 984).**

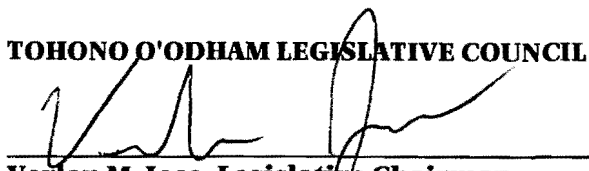
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TOHONO O'ODHAM LEGISLATIVE COUNCIL


Verlon M. Jose, Legislative Chairman
1 day of December, 2006

ATTEST:


Lucille Lopez, Acting Legislative Secretary

29 day of November, 2006.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'odham Nation on the 1 day of December, 2006 at 9:50 o'clock, a.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



Verlon M. Jose, Legislative Chairman

APPROVED

on the 4 day of December, 2006

DISAPPROVED

at 9:15 o'clock, a.M.


VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 04 day of

December, 2006, at 9:48 o'clock, A.M.


Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING GAMING DEVICE OPERATING RIGHTS TRANSFER AGREEMENT BETWEEN THE SAN JUAN SOUTHERN PAIUTE TRIBE AND THE TOHONO O'ODHAM NATION

MOVED: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILWOMAN FRANCES CONDE

DATE: NOVEMBER 29, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL (Vernon J. Smith) (155.40	X			
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35	X			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.(Vacant)	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. (Vacant) ()	84.50	X			
	2. GLORIA RAMIREZ ()	84.50	X			
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90	X			
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X			
	2. PHYLLIS JUAN ()	73.45	X			X
SELLS 421.0	1. MARLENE SARAFICIO-JUAN ()	210.50	X			
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50	X			X
SIF OIDAK 186.7	1. WAVALENE ROMERO (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Wilson)	93.35	X			
TOTAL		2,440.80	2,440.80	-0-	-0-	[03]

****PASSED VOTES**