

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing Transfer of Additional Gaming Device Operating Rights)**

RESOLUTION NO. 07-691

- 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 . . . other Indian tribes . . . on all matters within the authority of the**
4 **Tohono O'odham Council" (Constitution of the Tohono O'odham Nation, Article VI,**
5 **Section 1(f)); and**
- 6 **WHEREAS, the Tohono O'odham Gaming Enterprise ("Gaming Enterprise") has been established**
7 **as an enterprise of the Nation to conduct gaming activities, including the operation**
8 **of gaming devices, in accordance with the Tohono O'odham Nation-State of Arizona**
9 **Gaming Compact ("Compact"); and**
- 10 **WHEREAS, Section 3(c) of the Compact currently grants the Nation 1,400 gaming device operating**
11 **rights and authorized the Nation to acquire an additional 1,020 gaming device**
12 **operating rights through agreements allowing the Nation to operate unused gaming**
13 **device operating rights from other Indian tribes; and**
- 14 **WHEREAS, in recognition of the need to negotiate such transfer agreements, the Legislative**
15 **Council, by Resolution No. 06-575, delegated to the Commerce Committee and**
16 **Chairperson of the Nation continuing authority to**
- 17 **consult with other Indian tribes and/or the State of Arizona, and to negotiate**
18 **the transfer of additional gaming device operating rights in such numbers**
19 **and on such terms as the Commerce Committee and Chairperson of the**
20 **Nation deem appropriate, after consultation with the Gaming Enterprise;**
21 **provided that any resulting agreement(s) shall be subject to final approval**
22 **by Legislative Council resolution; and**
- 23 **WHEREAS, the Gaming Enterprise has recommended that the Nation obtain operating rights in**
24 **addition to those already acquired through existing transfer agreements with other**
25 **tribal governments; and**
- 26 **WHEREAS, the Chairperson of the Nation and the Legislative Council Commerce Committee have**
27 **been advised that additional gaming device operating rights may soon be available**
28 **by way of a Tribal Gaming Device Pool hosted by the Navajo Nation; and**
- 29 **WHEREAS, this opportunity to acquire additional operating rights requires that the Tohono**
30 **O'odham Nation authorize a designated "Pool Representative" to conclude a transfer**
31 **agreement in accordance with the attached "Delegation of Authority to Acquire**
32 **Gaming Device Operating Rights" dated October 23, 2007, which is incorporated by**
33 **this reference, shall remain confidential, and shall not be reported or disclosed.**

1 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby**
2 **approves the Delegation of Authority to Acquire Gaming Device Operating Rights**
3 **dated October 23, 2007, and, subject to its provisions, authorizes the Chairperson of**
4 **the Nation, who shall be the Nation's "Pool Representative," to:**

- 5 **(1) Sign and submit to the Navajo Nation a Notice of Intent to Acquire ("NIA") on**
6 **tribal letterhead indicating that the Tohono O'odham Nation**
7 **(a) has made reasonable efforts to acquire additional Gaming Devices under**
8 **section 3(d)(2) of its Gaming Compact and has been unable to do so, and**
9 **(b) wishes to acquire gaming device operating rights from the Navajo Nation**
10 **Transfer Pool at a maximum price that the Nation has determined for a**
11 **term not to exceed the balance of the Compact, inclusive of the renewal**
12 **terms specified in the Compact.**
- 13 **(2) Pursuant to, and in accordance with, the attached "Delegation of Authority to**
14 **Acquire Gaming Device Operating Rights", negotiate the transfer of additional**
15 **gaming device operating rights in such numbers and on such terms as specified**
16 **in the "Delegation of Authority to Acquire Gaming Device Operating Rights", and**
- 17 **(3) Take additional actions necessary to effectuate the transfer of pooled gaming**
18 **device operation rights from the Navajo Nation to the Tohono O'odham Nation**
19 **in accordance with the terms of this Delegation of Authority, including the**
20 **execution of a transfer agreement and additional documents necessary to obtain**
21 **such additional gaming device operating rights.**

22 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 23RD. Day**
23 **of OCTOBER, 2007 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0-**
24 **AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
25 **Section 1 (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**
26 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
27 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
28 **Stat. 984).**

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30 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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34 **Verlon M. Jose, Legislative Chairman**

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36 24 day of October, 2007
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ATTEST:

Lucille Lopez

Lucille Lopez, Acting Legislative Secretary

23 day of October, 2007.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 24 day of October, 2007 at 1:11 o'clock, P..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

Verlon Jose

Verlon M. Jose, Legislative Chairman

APPROVED

on the 26 day of October, 2007

DISAPPROVED

at 9:26 o'clock, A..M.

Ned Norris, Jr.

NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 26th day of

October, 2007, at 9:52 o'clock, A..M.

Lucille Lopez

Lucille Lopez, Acting Legislative Secretary

ACTION: AUTHORIZING TRANSFER OF ADDITIONAL GAMING DEVICE OPERATING RIGHTS

MOVED: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILWOMAN FRANCES CONDE

DATE: OCTOBER 23, 2007

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (<i>Absent</i>) (Vernon Smith) (<i>Present</i>)	158.45	X			
CHUKUT KUK 264.8	1. ETHEL GARCIA ()	132.40	X			
	2. VERLON M. JOSE ()	132.40	X			
GU ACHI 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ()	113.95	X			
GU VO 199.2	1. GRACE MANUEL ()	99.60	X			
	2. MICHAEL FLORES ()	99.60	X			
HICKIWAN 172.0	1. MICHELLE ORTEGA ()	86.00	X			
	2. SANDRA ORTEGA ()	86.00	X			X
PISINEMO 182.4	1. CHESTER ANTONE ()	91.20	X			
	2. GERALD FAYUANT ()	91.20	X			
SAN LUCY 181.1	1. LORRAINE EILER ()	90.55	X			
	2. GLORIA RAMIREZ ()	90.55	X			X
SAN XAVIER 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			X
SCHUK TOAK 154.6	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
SELLS 444.7	1. KIMBERLY LISTO ()	222.35	X			
	2. EVELYN B. JUAN MANUEL ()	222.35	X			
SIF OIDAK 194.4	1. WAVALENE ROMERO ()	97.20	X			
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	2,534.5	-0-	-0-	[03]

**PASSED VOTES