

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing Arbitration of San Juan Southern Paiute Transfer Agreement Payments)

RESOLUTION NO. 08-003

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to “consult, negotiate**
2 **and conclude agreements and contracts on behalf of the Tohono O'odham Nation with**
3 **... other Indian tribes ... on all matters within the authority of the Tohono O'odham**
4 **Council” (Constitution of the Tohono O'odham Nation, Article VI, Section 1(f)); and**

5 **WHEREAS, the Tohono O'odham Nation has established the Tohono O'odham Gaming**
6 **Enterprise (“Gaming Enterprise”) to conduct gaming activities, including the operation**
7 **of class III slot machine gaming devices in accordance with the Tohono O'odham**
8 **Nation-State of Arizona Gaming Compact (“Compact”); and**

9 **WHEREAS, by Resolution No. 06-782 and pursuant to Section 3(d) of the Compact, the Legislative**
10 **Council approved a Gaming Device Operating Rights Transfer Agreement Between the**
11 **San Juan Southern Paiute Tribe and the Tohono O'odham Nation (“Transfer**
12 **Agreement”) that permits the Gaming Enterprise to operate gaming devices in**
13 **addition to the Nation’s current allocation; and**

14 **WHEREAS, while Resolution No. 06-782 also directs the Gaming Enterprise to make payments to**
15 **the San Juan Southern Paiute Tribe (“Tribe”) in accordance with the Transfer**
16 **Agreement, leadership disputes within the Tribe have made it impossible to identify**
17 **the Tribe’s chief executive officer or other elected officials with certainty or to**
18 **determine which individuals are authorized to provide Transfer Agreement payment**
19 **instructions on the Tribe’s behalf; and**

20 **WHEREAS, Appendix A to the Transfer Agreement authorizes the Nation to initiate arbitration in**
21 **order to resolve such disputes; and**

22 **WHEREAS, the Legislative Commerce Committee and Nation’s Chairman have consulted with**
23 **legal counsel and been advised that arbitration is an appropriate means for resolving**
24 **payment issues under the Transfer Agreement.**

25 **NOW, THEREFORE, BE IT RESOLVED that the Legislative Council hereby authorizes and directs the**
26 **Office of the Attorney General to initiate and represent the Nation in an arbitration to**
27 **resolve payment issues arising under the Transfer Agreement.**
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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 03RD. Day of JANUARY, 2008 at a meeting at which a quorum was present with a vote of 2,306.6 FOR; 227.9 AGAINST; -0- NOT VOTING; and [05] ABSENT, pursuant to the powers vested in the Council by Section 1 (f) of Article VI 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

Felicia Nunez for
Verlon M. Jose, Legislative Chairman

7th day of January, 2008

ATTEST:

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

03 day of January, 2008.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 7th day of January, 2008 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 his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Felicia Nunez for
Verlon M. Jose, Legislative Chairman

APPROVED on the 07 day of January, 2008

DISAPPROVED at 11:05 o'clock, a.M.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 08 day of January, 2008, at 11:27 o'clock, A.M.

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

ACTION: AUTHORIZING ARBITRATION OF SAN JUAN SOUTHERN PAIUTE TRANSFER AGREEMENT PAYMENTS

MOVED: COUNCILWOMAN FRANCES CONDE

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: JANUARY 03, 2008

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 (Vernon Smith)	158.45	X			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			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			X
SAN LUCY 181.1	1. LORRAINE EILER ()	90.55	X			
	2. GLORIA RAMIREZ ()	90.55	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			
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			X
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	2,306.6	227.9	-0-	[05]

**PASSED VOTES