

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Authorizing Modification of Transfer Agreement with Navajo Nation)**

**RESOLUTION NO. 08-063**

1 **WHEREAS, the Tohono O'odham Gaming Enterprise ("Gaming Enterprise") has been established**  
2 **as an enterprise of the Nation to conduct gaming activities, including the operation**  
3 **of gaming devices, in accordance with the Tohono O'odham Nation-State of Arizona**  
4 **Gaming Compact ("Compact"); and**

5 **WHEREAS, the Tohono O'odham Gaming Enterprise ("Gaming Enterprise") has been established**  
6 **as an enterprise of the Nation to conduct gaming activities, including the operation**  
7 **of gaming devices, in accordance with the Tohono O'odham Nation-State of Arizona**  
8 **Gaming Compact ("Compact"); and**

9 **WHEREAS, the Legislative Council, by Resolutions No. 06-110 and 06-356, authorized the**  
10 **Chairperson of the Nation to execute a Transfer Agreement with the Navajo Nation**  
11 **("Transfer Agreement"), and authorized the Gaming Enterprise to make timely**  
12 **payments pursuant to the Transfer Agreement; and**

13 **WHEREAS, Under the Transfer Agreement, the Tohono O'odham Nation and the Navajo Nation**  
14 **reserved the right, at any time, to modify the Agreement and its Term, by a written**  
15 **instrument executed by both the Tohono O'odham Nation and the Navajo Nation; and**

16 **WHEREAS, the Navajo Nation has proposed certain modifications (the "First Modification," which**  
17 **is hereby incorporated in this Resolution) to the Transfer Agreement to extend the**  
18 **Transfer Agreement and allow the Nation the use of a limited number of gaming device**  
19 **operating rights transferred under the agreement for additional time; and**

20 **WHEREAS, the Legislative Council finds that the First Modification will serve the best interests of**  
21 **the Gaming Enterprise and the Nation;**

22 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby (1)**  
23 **approves the First Modification substantially in the form presented to Council, and (2)**  
24 **authorizes and directs the Chairperson of the Nation to execute the First Modification,**  
25 **and (3) authorizes and directs the Tohono O'odham Gaming Enterprise to make timely**  
26 **all payments pursuant to the terms of the Transfer Agreement and First Modification.**  
27 **No further approval, consent, notice, or filing shall be required from the Legislative**  
28 **Council for the Chairperson of the Nation to execute the First Modification.**

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07<sup>TH</sup> Day of FEBRUARY, 2008 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0- AGAINST; -0- NOT VOTING; and [02] 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

Verlon Jose  
Verlon M. Jose, Legislative Chairman

8 day of February, 2008

ATTEST:

Lucille Lopez  
Lucille Lopez, Acting Legislative Secretary

07 day of February, 2008.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 8 day of February, 2008 at 12:28 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 8 day of Febury, 2008

DISAPPROVED

at 4:55 o'clock, 8 .M.

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

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Returned to the Legislative Secretary on the 08 day of

February, 2008, at 5:07 o'clock, P.M.

Lucille Lopez  
Lucille Lopez, Acting Legislative Secretary

ACTION: AUTHORIZING MODIFICATION OF TRANSFER AGREEMENT WITH NAVAJO NATION

MOVED: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILWOMAN FRANCES ANTONE

DATE: FEBRUARY 07, 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			
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			X
	2. MICHAEL FLORES ( )	99.60	X			
HICKIWAN 172.0	1. MICHELLE ORTEGA ( )	86.00	X			
	2. SANDRA ORTEGA ( )	86.00	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			
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 ( <i>Absent</i> ) (Frederick Jose) ( <i>Present</i> )	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			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-	[02]

\*\*PASSED VOTES