

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

RESOLUTION NO. 08-170

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

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

15 **WHEREAS, by Resolution No. 08-003, the Legislative Council authorized and directed the Office**
16 **of Attorney General to initiate and represent the Nation in an arbitration to resolve**
17 **payment issues arising under the Transfer Agreement; and**

18 **WHEREAS, while the Office of Attorney General has taken the necessary steps under the Transfer**
19 **Agreement to initiate arbitration, the Wells Fargo Bank has now filed a separate**
20 **interpleader action (No. CV-08-8014-PCT-DGC) on similar grounds in the United**
21 **States District Court, District of Arizona, to pay into the Court disputed funds in Wells**
22 **Fargo Bank accounts owned by the San Juan Southern Paiute Tribe; and**

23 **WHEREAS, the Legislative Commerce Committee and Nation's Chairman have consulted with**
24 **legal counsel and have been advised that it may be possible, as an alternative to**
25 **arbitration, for the Nation to join the interpleader action to resolve payment issues**
26 **arising under the Transfer Agreement.**

27 **NOW, THEREFORE, BE IT RESOLVED that the Legislative Council hereby:**

- 28 **1. authorizes the Office of Attorney General to seek to join, and represent the Nation**
29 **in, case no. CV-08-8014-PCT-DGC now pending in United States District Court,**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

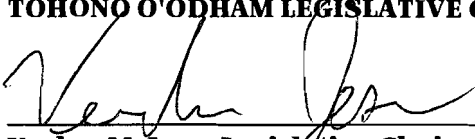
District of Arizona, to resolve payment issues arising under the Transfer Agreement; and

2. authorizes the Office of Attorney General to postpone initiation of arbitration authorized and directed by Resolution No. 08-003 pending the Nation's participation in case no. CV-08-8014-PCT-DGC; and

3. authorizes the Office of Attorney General to further initiate and/or represent the Nation in arbitration in the event that payment issues arising under the Transfer Agreement remain unresolved.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH Day of APRIL, 2008 at a meeting at which a quorum was present with a vote of 2,338.0 FOR; -0- AGAINST; -0- NOT VOTING; and 196.5 [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).

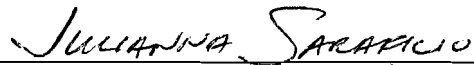
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Verlon M. Jose, Legislative Chairman

29 day of April, 2008

ATTEST:

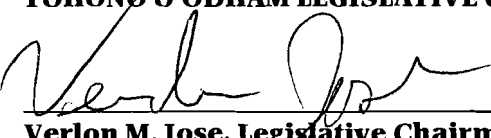


Lucille Lopez, Acting Legislative Secretary

EB day of April, 2008.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 29 day of April, 2008 at 4:52 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 M. Jose, Legislative Chairman

RESOLUTION NO. 08-170
(Authorizing Interpleader of San Juan Southern Paiute Transfer Agreement Payments)
Page 3 of 3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

APPROVED

on the 29 day of April, 2008

DISAPPROVED

at 6:30 o'clock, P.M.



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

Returned to the Legislative Secretary on the 30 day of

April, 2008, at 9:30 o'clock, A.M.



Lucille Lopez, Acting Legislative Secretary

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

MOVED: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILWOMAN FRANCES CONDE

DATE: APRIL 08, 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			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			
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			
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	2,338.0	-0-	-0-	196.5 [05]

**PASSED VOTES