

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing Transfer Pool Agreement Limited Waiver of Sovereign Immunity)**

RESOLUTION NO. 08-408

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, by Resolution No. 07-691, the Legislative Council authorized the Chairman of the**
7 **Nation ("Chairman") to negotiate the transfer of additional gaming device operating**
8 **rights from the Navajo Nation and to execute a transfer agreement with the Navajo**
9 **Nation and additional documents necessary to obtain such additional gaming device**
10 **operating rights, in accordance with a confidential "Delegation of Authority to**
11 **Acquire Gaming Device Operating Rights" dated October 23, 2007 ("Delegation of**
12 **Authority"); and**

13 **WHEREAS, the Chairman, in consultation with the Commerce Committee of the Legislative**
14 **Council ("Commerce Committee"), and in accordance with the Delegation of**
15 **Authority, has negotiated, and proposes to enter into an agreement for, the transfer**
16 **of additional gaming device operating rights from the Navajo Nation ("Transfer Pool**
17 **Agreement"), a copy of which is attached hereto; and**

18 **WHEREAS, the Navajo Nation desires to use payments under the Transfer Pool Agreement**
19 **between the Navajo Nation and the Tohono O'odham Nation to secure a loan**
20 **obligation, and represents that the loan obligation will require the Navajo Nation to**
21 **obtain a limited waiver of the Tohono O'odham Nation's sovereign immunity; and**

22 **WHEREAS, Section VI.B. of the Transfer Pool Agreement requires a limited waiver of the Navajo**
23 **Nation's sovereign immunity for purposes of an action or actions in the Navajo**
24 **Courts to enforce the Navajo Nation's obligations under the Transfer Pool**
25 **Agreement, and requires a limited waiver of the Tohono O'odham Nation's sovereign**
26 **immunity for the purposes of an action or actions in the Tohono O'odham Courts to**
27 **enforce the Tohono O'odham Nation's obligations under the Transfer Pool**
28 **Agreement; and**

29 **WHEREAS, the Chairman and Commerce Committee recommend that the Legislative Council**
30 **approve a limited waiver of the Nation's sovereign immunity in accordance with; and**
31 **subject to the limitations of, the Transfer Pool Agreement; and**
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1 **WHEREAS, the interests of the Nation will be served by the Legislative Council approving a**
2 **limited waiver of the Nation's sovereign immunity in accordance with, and subject**
3 **to the limitations of, the terms of the Transfer Pool Agreement.**

4 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby grants**
5 **a limited waiver of the sovereign immunity of the Nation, in accordance with, and**
6 **subject to the limitations of, the terms of the Transfer Pool Agreement, provided that**
7 **the waiver is granted solely for the purposes of the Transfer Pool Agreement, and**
8 **shall not extend to any other transactions or subjects.**

9 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 30TH. Day**
10 **of JUNE, 2008 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0- AGAINST;**
11 **-0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Section 1 (f) of**
12 **Article VI of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham**
13 **Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs**
14 **(Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

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16 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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

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22 7 day of July, 2008

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24 **ATTEST:**

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27 **Lucille Lopez, Acting Legislative Secretary**

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29 30 day of June, 2008.

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31 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham**
32 **Nation on the 7 day of July, 2008 at 4:49 o'clock, P.M., pursuant to**
33 **the provisions of Section 5 of Article VII of the Constitution and will become effective upon his**
34 **approval or upon his failure to either approve or disapprove it within 48 hours of submittal.**

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36 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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

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APPROVED

on the 07 day of July, 2008

DISAPPROVED

at 5:40 o'clock, P.M.



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

Returned to the Legislative Secretary on the 08 day of

July, 2008 at 9:35 o'clock, A.M.



Lucille Lopez, Acting Legislative Secretary

ACTION: AUTHORIZING TRANSFER POOL AGREEMENT LIMITED WAIVER OF SOVEREIGN IMMUNITY

MOVED: COUNCILWOMAN FRANCES ANTONE

SECOND: COUNCILWOMAN GLORIA RAMIREZ

DATE: JUNE 30, 2008

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (<i>Absent</i>) (Roberta Harvey) (<i>Present</i>)	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			
	2. RAYMOND VICTOR ()	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 (Tony Murrietta)	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 (Fredrick 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 SAUNDERS ()	97.20	X			
	2. MARY LOPEZ ()	97.20	X			
TOTAL		2,534.5	2,534.5	-0-	-0-	[01]

**PASSED VOTES