

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Affirming Economic Development on the Settlement Property)

RESOLUTION NO. 15-216

1 **WHEREAS, the Tohono O'odham Nation (the "Nation") is a federally recognized Indian tribe**
2 **organized pursuant to Section 16 of the Indian Reorganization Act of June 18,**
3 **1934 (48 Stat. 984; 25 U.S.C. § 476), which exercises sovereignty over both its**
4 **members and its lands; and**

5 **WHEREAS, pursuant to Articles V and VI of the Constitution of the Tohono O'odham Nation,**
6 **all the legislative powers of the Nation are vested in the Tohono O'odham**
7 **Legislative Council (the "Legislative Council"), including the power to appoint**
8 **"and prescribe the duties and powers of committees, boards, officers and**
9 **agents" and the power to "consult, negotiate and conclude agreements and**
10 **contracts on behalf of the Tohono O'odham Nation with Federal, State and local**
11 **governments and other Indian tribes or their departments, agencies, or**
12 **political subdivisions, or with private persons or organizations on all matters**
13 **within the authority of the Tohono O'odham Council" (Constitution, Article VI,**
14 **Section 1(b) and 1(f)); and**

15 **WHEREAS, San Lucy District is a political subdivision of the Tohono O'odham Nation and is**
16 **located on the Gila Bend Indian Reservation, adjacent to Gila Bend, Arizona; and**

17 **WHEREAS, prior to the events that led up to the enactment of the Gila Bend Indian**
18 **Reservation Lands Replacement Act, Pub. L. 99-503, 100 Stat. 1798 (1986), the Gila**
19 **Bend Indian Reservation, a part of the San Lucy District and the Tohono**
20 **O'odham Nation encompassed a 10,297 acre land base; and**

21 **WHEREAS, throughout the 1950s, the U.S. Army Corps of Engineers designed and**
22 **constructed the Painted Rock Dam as a flood control project located ten miles**
23 **downstream of the existing Gila Bend Indian Reservation; and**

24 **WHEREAS, in 1964 the United States obtained a court-ordered flowage easement giving it**
25 **the perpetual right to occasionally overflow, flood, and submerge 7,723.82 acres**
26 **of the Gila Bend Indian Reservation and all structures on the land, and to**
27 **prohibit the use of the land for human habitation; and**

28 **WHEREAS, that same year, San Lucy District members of the Tohono O'odham Nation were**
29 **relocated to the 40-acre San Lucy Village by act of Congress (P.L. 88-462; 78 Stat.**
30 **559); and**

31 **WHEREAS, Gila Bend Indian Reservation lands sustained flooding throughout the late**
32 **1970s and early 1980s, destroying a 750-acre farm that was developed at tribal**
33 **expense, and rendering the remaining acreage unsuitable for economic**
34 **development; and**

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1 **WHEREAS,** under the Gila Bend Indian Reservation Lands Replacement Act, the United
2 States Congress found that, although an earlier public law authorized the
3 Secretary of the Interior “to exchange certain agricultural lands of the Gila Bend
4 Indian Reservation, Arizona, for public lands suitable for farming” that “[a]n
5 examination of public lands within a one hundred mile radius of the reservation
6 disclosed that those which might be suitable for agriculture would require
7 substantial Federal outlays for construction of irrigation systems, roads,
8 education and health facilities.” (Pub. L. 99-503, Section 2(1) and (2)); and

9 **WHEREAS,** the Congress concluded that the “lack of an appropriate land base severely
10 retards the economic self-sufficiency of the O’odham people of the Gila Bend
11 Indian Reservation, contributes to their high unemployment and acute health
12 problems, and results in chronic high costs for Federal services and transfer
13 payments.” (Pub. L. 99-503, Section 1(3)); and

14 **WHEREAS,** the Congress therefore enacted the Gila Bend Indian Reservation Lands
15 Replacement Act to “facilitate replacement of reservation lands suitable for
16 sustained economic use which is not principally farming and do not require
17 Federal outlays for construction, and promote the economic self-sufficiency of
18 the O’odham Indian people” (Pub. L. 99-503, Section 1(4)); and

19 **WHEREAS,** the Tohono O’odham Nation is authorized to acquire replacement lands under
20 the terms of the Gila Bend Indian Reservation Lands Replacement Act, which
21 lands the Secretary of the Interior “shall hold in trust for the benefit” of the
22 Nation and which shall be deemed an Indian reservation “for all purposes” (Pub.
23 L. 99-503, Section 6(d)); and

24 **WHEREAS,** in 2003, and at the request of the San Lucy District, the Nation purchased 134.88
25 acres of contiguous land in unincorporated Maricopa County, situated at the
26 southwest corner of 91st Avenue and Northern Avenue, near Glendale and Peoria,
27 Arizona (the “Settlement Property”) to replace Gila Bend Indian Reservation
28 lands; and

29 **WHEREAS,** by Resolution No. 07-161 and subsequent legislative actions, the Legislative
30 Council appointed an Economic Development Delegation to negotiate terms for
31 conducting gaming on the Settlement Property under the Gaming Enterprise’s
32 management and to otherwise represent the Nation, provided that the
33 Delegation was empowered to act exclusively as a group pursuant to expressly
34 delegated authorities and that any resulting agreements would be subject to
35 approval by Legislative Council resolution (Resolution No. 08-002, Resolution

(2) affirms the composition and delegated authorities of the Economic Development Delegation, including, but not limited to, Resolution Nos. 07-161, 08-002, 09-364, 09-397, 11-119, and 12-118.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 28TH day of MAY, 2015 at a meeting at which a quorum was present with a vote of 2,926.9 FOR; -0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article V, Article VI, and Article VII, Section 2(d) 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


Timothy Joaquin, Legislative Chairman

2 day of June, 2015

ATTEST:


Evonne Wilson, Legislative Secretary

01 day of June, 2015

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 2 day of June, 2015 at 1:42 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



Timothy Joaquin, Legislative Chairman

APPROVED

on the 03 day of June, 2015

DISAPPROVED

at 10:30 o'clock, A .m.


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

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Returned to the Legislative Secretary on the 3 day of

June, 2015, at 11:00 o'clock, A.m.

Evonne Wilson

Evonne Wilson, Legislative Secretary

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ACTION: AFFIRMING ECONOMIC DEVELOPMENT ON THE SETTLEMENT PROPERTY

MOVED: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILMAN BILLMAN LOPEZ

DATE: MAY 28, 2015

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 224.2	1. LUCINDA ALLEN (Nicholas Jose)	112.1	X			
	2. MARY LOPEZ ()	112.1	X			
SELLS 502.0	1. ARTHUR WILSON (Ophelia Patten)	251.0	X			
	2. BARBARA HAVIER (Beverly Rivas)	251.0	X			
SCHUK TOAK 174.2	1. ANTHONY J. RIOS ()	87.1	X			X
	2. QUINTIN C. LOPEZ (John Fendenheim)	87.1	X			
SAN XAVIER 224.2	1. HILARION CAMPUS <i>(Absent)</i> (Daniel L.A. Preston, III) <i>(Present)</i>	112.1	X			
	2. RACHEAL VILSON-STONER <i>(Absent)</i> (Olivia Villegas-Liston) <i>(Present)</i>	112.1	X			
SAN LUCY 219.6	1. DIANA MANUEL (Gloria Ramirez)	109.8	X			
	2. JANA MONTANA ()	109.8	X			
PISINEMO 210.6	1. CHESTER ANTONE (Tony Murrletta)	105.3	X			
	2. EDWARD MANUEL, SR. ()	105.3	X			
HICKIWAN 196.9	1. LOUIS R. LOPEZ ()	98.45	X			
	2. SANDRA ORTEGA (Manuel Osequeda, Jr.)	98.45	X			
GU VO 241.0	1. GRACE MANUEL (Floyd Flores)	120.5	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	120.5	X			
GU ACHI 257.3	1. TIMOTHY L. JOAQUIN ()	128.65	X			
	2. LORETTA LEWIS (Louis Johnson)	128.65	X			
CHUKUT KUK 319.2	1. ETHEL GARCIA (Marlakay C. Henry)	159.6	X			
	2. BILLMAN LOPEZ ()	159.6	X			
BABOQUIVARI 357.7	1. FRANCES MIGUEL (Roberta Harvey)	178.85	X			
	2. VERNON J. SMITH (Gloria Zazueta)	178.85	X			
TOTAL		2,926.9	2,926.9	-0-	-0-	[01]