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

RESOLUTION NO. 15-216

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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

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	i	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	2	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

		N NO. <u>15-216</u> conomic Development on the Settlement Property)
1		No. 09-364, Resolution No. 09-397, Resolution No. 11-119, and Resolution No. 12-
2		118); and
3	WHEREAS,	by Resolution No. 09-049, as amended by Resolution No. 09-397, the Nation
4		conveyed the Settlement Property to the United States to be held in trust for the
5		Nation under the terms of the Gila Bend Indian Reservation Lands Replacement
6		Act; and
7	WHEREAS,	the 9th Circuit Court of Appeals confirmed that the Department of Interior
8		lawfully took the property into trust for the Nation pursuant to the Gila Bend
9		Indian Reservation Lands Replacement Act; and
10	WHEREAS,	on July 3, 2014, the Assistant Secretary of the Department of the Interior issued a
11		decision that 53.54 acres of the Settlement Property would be in trust for the
12		benefit of the Nation under the terms of the Gila Bend Indian Reservation Lands
13		Replacement Act and subsequently accepted the conveyance of title to the 53.54
14		acres in trust; and
15	WHEREAS,	the Nation was successful in a lawsuit in Arizona State Court which challenged
16		the retroactive annexation of a portion of the Settlement Property; and
17	WHEREAS,	by Resolution No. 14-317, the Nation entered into an agreement with the City of
18		Glendale "designed to build a cooperative and mutually beneficial relationship
19		between the Nation and the City of Glendale," which resulted in the dismissal of
20		the City of Glendale from Tohono O'odham Nation v. City of Glendale, et al., a
21		case in the Ninth Circuit Court of Appeals, which would have allowed the City of
22		Glendale to unilaterally annex the Settlement Property; and
23	WHEREAS,	the Nation was also successful in a lawsuit challenging Nation's right to conduct
24		gaming on the Settlement Property; and
25	WHEREAS,	the Legislative Commerce, Budget and Finance and Agricultural and Natural
26		Resources Committees therefore recommend that the Legislative Council affirm
27		the Nation's policy of economic development on the Settlement Property and
28		affirm the composition and delegated authorities of the Economic Development
29		Delegation.
30	NOW, THERE	FORE, BE IT RESOLVED that the Tohono O'odham Legislative Council
31		(1) affirms that it is in the Tohono O'odham Nation's continuing policy for
32		the Tohono O'odham Gaming Enterprise to construct and operate a
33		casino and related amenities at the Settlement Property and to open the
34		facility as soon as possible; and

RESOLUTIO	ON NO. <u>15-216</u>
(Affirming	Economic Development on the Settlement Property)
Page 4 of 5	- • • • • • • • • • • • • • • • • • • •

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Developm	nent Delegation, including, but not limited to, Resolution Nos.			
07-161, 08	3-002, 09-364, 09-397, 11-119, and 12-118.			
The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 28 TH 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 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			
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	teting at which a quorum was present with a vote of 2,926.9 FOR; -0-G; and [01] ABSENT, pursuant to the powers vested in the Council by Article VII, Section 2(d) of the Constitution of the Tohono O'odham Nation on January 18, 1986; and approved by the Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to me 18, 1934 (48 Stat.984). TOHONO O'ODHAM LEGISLATIVE COUNCIL Timothy Joaquin, Legislative Chairman Aday of August 1, 2015			
	day of fund, 2015			
O'odham Nation on the	, 2015 ed for approval to the office of the Chairman of the Tohono day of, 2015 at, 2015 at			
pursuant to the provisions of	Section 5 of Article VII of the Constitution and will become			
	Minus Mand For			
[A] APPROVED	on the			
[] DISAPPROVED	ned norris, jr., Chairman Tohono o'odham nation			

	RESOLUTION NO. 15-216 (Affirming Economic Development on the Settlement Property)
1	Page 5 of 5 Returned to the Legislative Secretary on theday of
2 3 4 5 6 7 8 9	, 2015, at // Ofo'clock,m.
4	(Marie 1)
5	Evonne Wilson, Legislative Secretary
7	2. June 14 130 11, 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	1. LUCINDA ALLEN (Nicholas Jose)	112.1	Х			<u>.</u>
224.2	2. MARY LOPEZ	112.1	х			
SELLS	1. ARTHUR WILSON (Ophelia Patten)	251.0	X			· <u>-</u>
502.0	2. BARBARA HAVIER (Beverly Rivas)	251.0	Х			
SCHUK TOAK 174.2	1. ANTHONY J. RIOS	87.1	Х			Х
174,2	2. QUINTIN C. LOPEZ (John Fendenheim)	87.1	Х			
SAN XAVIER	1. HILARION CAMPUS (Absent) (Daniel L.A. Preston, III) (Present)	112.1	Х			
224.2	2. RACHEAL VILSON-STONER (Absent) (Olivia Villegas-Liston) (Present)	112.1	x			
SAN LUCY	1. DIANA MANUEL (Gloria Ramirez)	109.8	х			
219.6	2. JANA MONTANA	109.8	x			
PISINEMO	1. CHESTER ANTONE (Tony Murrietta)	105.3	х			· · · · · · · · · · · · · · · · · · ·
210.6	2. EDWARD MANUEL, SR.	105.3	X			
HICKIWAN 196.9	1. LOUIS R. LOPEZ	98.45	X			
130.3	2. SANDRA ÓRTEGA (Manuel Osequeda, Jr.)	98.45	X			<u> </u>
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	Х			
BABOQUIVARI	1. FRANCES MIGUEL (Roberta Harvey)	178.85	X			
357.7	2. VERNON J. SMITH (Gloria Zazueta)	178.85	x			
	TOTAL	2,926.9	2,926.9	-0-	-0-	[01]