

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the Tax Settlement Agreement Between the Tohono O'odham Nation and
Empire Southwest, LLC)

RESOLUTION NO. 16-131

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to "exercise**
2 **the inherent powers of the Tohono O'odham Nation by providing laws,**
3 **ordinances or resolutions: to govern the conduct of members of the Tohono**
4 **O'odham Nation and other persons within its jurisdiction and to exercise the**
5 **following fiscal powers: to levy duties, fees, taxes and assessments on any**
6 **person, corporation or association residing or doing business within the Tohono**
7 **O'odham Nation..."(Constitution of the Tohono O'odham Nation, Article VI,**
8 **Section 1(c)(1); (d)(4)); and**

9 **WHEREAS, Empire Southwest, LLC is located on the Tohono O'odham Nation at 7600 South**
10 **Nogales Highway, Tucson, AZ and has been transacting business at this location**
11 **since 1974; and**

12 **WHEREAS, 22 Tohono O'odham Code Chapter 2, Section 5 provides for the levy and**
13 **collection of Transaction Privilege Tax ("TPT") upon "every person engaging or**
14 **continuing within the exterior boundaries of the Tohono O'odham Nation in**
15 **the...business [of] selling any tangible personal property at retail"; and**

16 **WHEREAS, 22 Tohono O'odham Code Chapter 2, Sections 7 and 10 provide for the**
17 **assessment of penalties and interest on any delinquent tax payments; and**

18 **WHEREAS, the Office of the Treasurer, pursuant to a Managed Audit Agreement and after a**
19 **redetermination, found that Empire Southwest, LLC owed the Tohono O'odham**
20 **Nation \$2,855,861.35 in TPT, including all assessed penalties and interest; and**

21 **WHEREAS, the Office of the Treasurer and Empire Southwest, LLC have reached settlement,**
22 **and a copy of the Tax Settlement Agreement is attached and incorporated by this**
23 **reference; and**

24 **WHEREAS, this resolution and Tax Settlement Agreement have been reviewed by the Budget**
25 **and Finance and the Commerce Committees, which recommend approval by the**
26 **Legislative Council.**

27 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
28 **Tax Settlement Agreement between the Tohono O'odham Nation and Empire**

RESOLUTION NO. 16-131

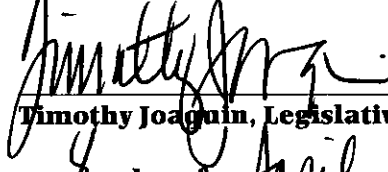
(Approving the Tax Settlement Agreement Between the Tohono O'odham Nation and Empire Southwest, LLC)

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Southwest, LLC, substantially in the form attached; and authorizes the Chairman to execute it.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 06TH day of APRIL, 2016 at a meeting at which a quorum was present with a vote of 3,021.4 FOR; -0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(c)(l):(d)(4) 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).

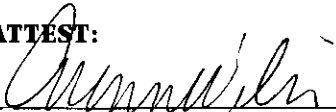
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

8 day of April, 2016

ATTEST:

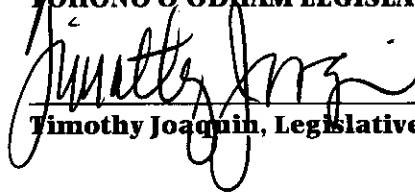


Evonne Wilson, Legislative Secretary

7 day of April, 2016

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 8 day of April, 2016 at 4:37 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



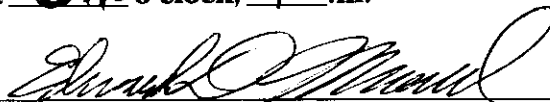
Timothy Joaquin, Legislative Chairman

APPROVED

on the 8 day of April, 2016

DISAPPROVED

at 5:10 o'clock, P .m.



EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

RESOLUTION NO. 16-131

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Returned to the Legislative Secretary on the 11 day of
April, 2016, at 8:30 o'clock, a.m.


Evonne Wilson, Legislative Secretary

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ACTION: APPROVING THE TAX SETTLEMENT AGREEMENT BETWEEN THE TOHONO O'ODHAM NATION AND EMPIRE SOUTHWEST, LLC

Moved: COUNCILWOMAN BARBARA HAVIER

SECOND: COUNCILMAN ARTHUR WILSON

DATE: APRIL 06, 2016

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (Roberta E. Harvey)	183.60	X			
	2. VERNON J. SMITH (Gloria Zazueta)	183.60	X			
CHUKUT KUK 332.1	1. ETHEL GARCIA (Marlakay K. Henry)	166.05	X			
	2. BILLMAN LOPEZ (Patricia Vicenti)	166.05	X			
GUACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50	X			
	2. LORETTA LEWIS ()	132.50	X			
GU VO 250.6	1. GRACE MANUEL (Dallas Lewis)	125.3	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	125.3	X			
HICKIWAN 205.8	1. LOUIS R. LOPEZ (Shirley Molina)	102.90	X			
	2. SANDRA ORTEGA ()	102.90	X			X
PISINEMO 219.9	1. CHESTER ANTONE ()	109.95	X			
	2. MONICA K. MORGAN ()	109.95	X			X
SAN LUCY 226.5	1. DIANA MANUEL ()	113.25	X			
	2. JANA MONTANA (Gloria Ramirez)	113.25	X			
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III ()	114.3	X			
	2. RACHEAL VILSON-STONER (<i>Absent</i>) (Olivia Villegas-Liston) (<i>Present</i>)	114.3	X			
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. ()	90.3	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.3	X			
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75	X			
	2. BARBARA HAVIER ()	256.75	X			
SIF OIDAK 231.6	1. LUCINDA ALLEN (Nicholas Jose)	115.80	X			
	2. MARY LOPEZ ()	115.80	X			
TOTAL		3,021.4	3,021.4	-0-	-0-	[02]