

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the Mining Lease Addendum No. 5)

RESOLUTION NO. 16-259

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council**
2 **with the authority to "consult, negotiate, and conclude agreements and**
3 **contracts on behalf of the Tohono O'odham Nation with Federal, State, and local**
4 **governments and other Indian tribes or their departments, agencies, or**
5 **political subdivisions, or with private persons or organizations..." (Constitution**
6 **of the Tohono O'odham Nation, Article VI, Section 1(f)); and**

7 **WHEREAS, Cyprus Tohono Corporation ("Cyprus") and the Tohono O'odham Nation**
8 **("Nation") entered into the Mining Lease on July 23, 1987 (Resolution No. 243-87),**
9 **and Addendum on March 26, 1992 (Resolution No. 92-093), Addendum No. 2 on**
10 **February 3, 1993 (Resolution No. 93-012), Addendum No. 3 on October 21, 1993**
11 **(Resolution No. 93-370), and Addendum No. 4 on May 28, 1999 (Resolution No. 99-**
12 **234) ("collectively the Mining Lease"); and**

13 **WHEREAS, the Mining Lease will expire on July 23, 2017; and**

14 **WHEREAS, Cyprus and the Nation entered into negotiations to extend the Mining Lease to**
15 **determine a framework for future negotiations that could lead to the reopening**
16 **of the Cyprus Tohono Mine, to extend the term of the Mining Lease, and to**
17 **determine a mutually agreeable annual rental rate for the 4,180 acres that are**
18 **the subject of the Mining Lease; and**

19 **WHEREAS, Cyprus and the Nation have reached mutual agreement as to the terms of the**
20 **Mining Lease Addendum No. 5, which includes a framework for future**
21 **negotiations that could lead to the reopening of the Cyprus Tohono Mine,**
22 **extends the term of the Mining Lease to July 23, 2037, and establishes an annual**
23 **rental rate of \$313,557.82 for the 4,180 acres that are the subject of the Mining**
24 **Lease; and**

25 **WHEREAS, the Agricultural and Natural Resources Committee has reviewed the Mining**
26 **Lease Addendum No. 5 and recommends approval.**

27 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it**
28 **approves the Mining Lease Addendum No. 5 and authorizes the chairperson of**
29 **the Nation to execute it in substantially the form attached hereto.**
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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13TH day of JUNE, 2016 at a meeting at which a quorum was present with a vote of 2,242.9 FOR; 778.5 AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(f) 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

15TH day of JUNE, 2016

ATTEST:


Evonne Wilson, Legislative Secretary

15 day of June, 2016

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 16 day of June, 2016 at 8:49 o'clock, A .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 17 day of June, 2016

DISAPPROVED

at 6:12 o'clock, P .m.


EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

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RESOLUTION NO. 16-259
(Approving the Mining Lease Addendum No. 5)
Page 3 of 3

1 **Returned to the Legislative Secretary on the** 20 **day of**
2
3 June, 2016, at 9:35 o'clock, a.m.
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7 **Evonne Wilson, Legislative Secretary**
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ACTION: APPROVING THE MINING LEASE ADDENDUM NO. 5

MOVED: COUNCILWOMAN MARY LOPEZ

SECOND: COUNCILMAN QUINTIN C. LOPEZ

DATE: JUNE 13, 2016

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (<i>Absent</i>) (Roberta E. Harvey) (<i>Present</i>)	183.60	X			
	2. VERNON J. SMITH (Gloria Zazueta)	183.60	X			
CHUKUT KUK 332.1	1. ETHEL GARCIA (<i>Absent</i>) (Marlakay K. Henry) (<i>Present</i>)	166.05	X			
	2. BILLMAN LOPEZ (<i>Absent</i>) (Patricia Vicenti) (<i>Present</i>)	166.05	X			
GUACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50		X		
	2. LORETTA LEWIS ()	132.50		X		
GUVO 250.6	1. GRACE MANUEL (Dallas Lewis)	125.30	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	125.30	X			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			
SAN LUCY 226.5	1. DIANA MANUEL ()	113.25	X			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			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	2,242.9	778.5	-0-	[04]