

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Amended Tribal Land Assignment for West Valley Area)**

RESOLUTION NO. 20-166

1 **WHEREAS, the Constitution of the Tohono O'odham Nation, Article XVI, Section 1 provides**
2 **The unallotted lands of the Tohono O'odham Nation and all lands hereafter**
3 **acquired by the nation, or held for the use of the nation or its members, are a**
4 **valuable public resource and shall be held as national lands forever. Control**
5 **and management thereof are vested in the Tohono O'odham Council, which**
6 **may enact laws governing the use, assignment, permit, lease or other**
7 **disposition of lands, interests in land and resources of the nation consistent**
8 **with Federal law.**

9 **; and**

10 **WHEREAS, in 1986, the United States Congress enacted the Gila Bend Indian Reservation**
11 **Lands Replacement Act as Pub. L. No. 99-503 (the "Replacement Act"), which**
12 **authorized the Nation to acquire new lands to replace lands damaged by the**
13 **Painted Rock Dam and required the United States to hold eligible replacement**
14 **lands in trust for the benefit of the Nation; and**

15 **WHEREAS, pursuant to Resolution No. 09-049, as amended by Resolution No. 09-397, the**
16 **Legislative Council requested that the Secretary of the Interior acquire 134.88**
17 **acres of real property (the "West Valley Area") in trust for the benefit of the Nation**
18 **under the terms of the Replacement Act; and**

19 **WHEREAS, pursuant to the Replacement Act, on July 7, 2014 the United States Secretary of the**
20 **Interior acquired in trust on behalf of the Nation approximately 54 acres of land**
21 **within the West Valley Area, and on September 7, 2018, the Secretary acquired in**
22 **trust on behalf of the Nation the remainder of the West Valley Area; and**

23 **WHEREAS, pursuant to 27 T.O.C. Chapter 2, Section 2102, lands including the West Valley**
24 **Area that are "held in trust by the United States for the benefit of the Nation**
25 **pursuant to Pub. L. 99-503 shall be held as national lands in accordance with**
26 **Article XVI of the Nation's Constitution and shall be within the boundaries of the**
27 **San Lucy District."; and**

28 **WHEREAS, the Tohono O'odham Gaming Enterprise (the "Gaming Enterprise") is a wholly**
29 **owned tribal government enterprise established pursuant to Article VI, Section**
30 **1(e) of the Nation's Constitution and is responsible for planning, constructing,**
31 **and operating the Nation's gaming facilities and conducting gaming activities**
32 **(Charter of the Gaming Enterprise ("Charter"), 16 Tohono O'odham Code Chapter**
33 **2); and**

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1 **WHEREAS, Section 5(d)(6) of the Charter vests the Gaming Enterprise Management Board**
2 **with authority to “Utilize, improve, maintain, operate and manage, in the**
3 **ordinary course of business, all interests in real property held by the Enterprise,**
4 **including negotiation of leases or subleases of real property subject to approval**
5 **of the Legislative Council; provided however, that nothing in this Charter shall be**
6 **construed as authorizing the Enterprise to mortgage or encumber trust or**
7 **restricted real property of the Nation without the prior consent of the Legislative**
8 **Council”; and**

9 **WHEREAS, pursuant to Resolution No. 14-565, the Nation granted the Gaming Enterprise a**
10 **Tribal Land Assignment for the national lands at the West Valley Area in**
11 **accordance with the existing assignment authority vested by Article VI, Section 1**
12 **and Article XVI, Section 1 of the Constitution of the Tohono O’odham Nation; and**

13 **WHEREAS, it is in the Nation's best interest to approve an Amended Tribal Land Assignment**
14 **for West Valley Area (the “Amended Assignment”), which is incorporated by this**
15 **reference; and**

16 **WHEREAS, the Amended Assignment has been reviewed by the Commerce and Agricultural**
17 **and Natural Resources Committees, which recommend that it be approved.**

18 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O’odham Legislative Council approves the**
19 **Amended Tribal Land Assignment for West Valley Area in substantially the form**
20 **incorporated herein and authorizes and directs the Nation’s chairperson to**
21 **execute the Amended Assignment.**

22 **BE IT FINALLY RESOLVED by the Legislative Council that, upon the effective date of the Gaming**
23 **Management Board’s resolution adopting the Master Plan including for the 25**
24 **acres within the West Valley Area that is reserved for the San Lucy District to use**
25 **for general economic development purposes, the Enterprise’s Amended**
26 **Assignment shall terminate as to the 25 acres,**

- 27 **(1) Subject to the additional terms of the Amended Assignment;**
28 **(2) Provided that the 25 acres shall remain national lands; and**
29 **(3) Provided that the District’s use shall be subject to the Master Plan and to**
30 **the leasing and other provisions of the Nation’s laws and Constitution,**
31 **including but not limited to Article XVI of the Nation’s Constitution.**

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1 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 20TH
2 day of MAY, 2020 at a meeting at which a quorum was present with a vote of 2,940.1 FOR; -0-
3 AGAINST; 235.6[02] NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council
4 by Article VI, Section 1(e), 1(f), 1(i), and 1(l); Article XVI, Section 1 and Section 5 of the Constitution
5 of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986;
6 and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6,
7 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).
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10 TOHONO O'ODHAM LEGISLATIVE COUNCIL

11 Timothy C. Joaquin Jr
12 Timothy Joaquin, Legislative Chairman
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14 21 day of May, 2020
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19 ATTEST:

20 Evonne Wilson
21 Evonne Wilson, Legislative Secretary
22

23 21 day of May, 2020
24

25 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
26 O'odham Nation on the 21 day of May, 2020 at 4:23 o'clock, P.m.,
27 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
28 effective upon his approval or upon his failure to either approve or disapprove it within 48
29 hours of submittal.
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31 TOHONO O'ODHAM LEGISLATIVE COUNCIL

32 Timothy C. Joaquin Jr
33 Timothy Joaquin, Legislative Chairman
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40 APPROVED

on the 26th day of May, 2020

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42 DISAPPROVED

at 2:33 o'clock, P.m.

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44 Ned Norris, Jr
45 Ned Norris, Jr., CHAIRMAN
46 TOHONO O'ODHAM NATION
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Returned to the Legislative Secretary on the 20 day of
May, 2020, at 3:30 o'clock, p.m.


Evonne Wilson, Legislative Secretary

ACTION: APPROVING AMENDED TRIBAL LAND ASSIGNMENT FOR WEST VALLEY AREA

MOVED: COUNCILWOMAN JANICE FELIX

SECOND: COUNCILWOMAN GRACE MANUEL

DATE: MAY 20, 2020

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 384.8	1. LEANDER MASE (Francine Schooling)	192.40	X			
	2. ALBERTA J. RAY (Frances G. Antone)	192.40	X			
CHUKUT KUK 347.5	1. VIVIAN JUAN-SAUNDERS (Juanita Homer)	173.75	X			
	2. MARLAKAY HENRY (Billman Lopez)	173.75	X			
GUACHI 279.3	1. VICTORIA HOBBS ()	139.65	X			
	2. TIMOTHY L. JOAQUIN (Louis L. Johnson)	139.65	X			
GU VO 264.5	1. DALLAS LEWIS (Nacho Flores)	132.25	X			
	2. GRACE MANUEL ()	132.25	X			
HICKIWAN 213.8	1. SANDRA D. ORTEGA ()	106.90	X			X
	2. LOUIS R. LOPEZ (Delma M. Garcia)	106.90	X			
PISINEMO 230.7	1. MONICA K. MORGAN ()	115.35	X			
	2. MARIETTA MARTIN ()	115.35	X			
SAN LUCY 235.6	1. GLORIA RAMIREZ ()	117.80			X	
	2. JANA MONTANA (Lorraine M. Eiler)	117.80			X	
SAN XAVIER 238.9	1. JANICE FELIX (Adam Andrews)	119.45	X			
	2. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	119.45	X			
SCHUK TOAK 189.0	1. QUINTIN C. LOPEZ (Agnes V. Joaquin)	94.50	X			
	2. TERESA F. DONAHUE (Alberta Espinoza)	94.50	X			
SELLS 547.1	1. EVELYN JUAN MANUEL ()	273.55	X			
	2. ARTHUR WILSON ()	273.55	X			
SIF OIDAK 244.5	1. LUCINDA ALLEN (Yolonda Garcia)	122.25	X			
	2. MARY LOPEZ (Ann M. Garcia)	122.25 N	X			
TOTAL		3,175.7	2,940.1	-0-	235.6	[01]
					[02]	