

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Reducing Gaming Enterprise Management Board Quorum)**

**RESOLUTION NO. 20-440**

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with**  
2 **the authority to "authorize, charter and regulate public or private corporations**  
3 **and associations" and to "provide for, appoint, or provide for the appointment of,**  
4 **and prescribe the duties and powers of committees, boards, officers and agents**  
5 **(Constitution, Article VI, Section 1(e) and 1(b)); and**

6 **WHEREAS, by Resolution No. 93-311, the Legislative Council approved the charter of the**  
7 **Tohono O'odham Gaming Authority, subsequently renamed as the Tohono**  
8 **O'odham Gaming Enterprise (the "Gaming Enterprise"), as a wholly owned tribal**  
9 **government enterprise that is responsible for operating the Nation's gaming**  
10 **facilities and conducting gaming activities (Charter of the Gaming Enterprise**  
11 **("Charter"), as amended, 16 Tohono O'odham Code Chapter 2); and**

12 **WHEREAS, Section 5 of the Charter establishes a seven-member Gaming Enterprise**  
13 **Management Board that is vested with authority to "[e]xercise general authority**  
14 **and responsibility for the management and operation of the Enterprise" and**  
15 **perform additional functions (Charter, Section 5(a)(1) and 5(c)(3)); and**

16 **WHEREAS, the Management Board may adopt bylaws or rules governing its meetings**  
17 **pursuant to Section 5(d)(17) of the Charter; and**

18 **WHEREAS, although Section 5(c)(3) of the Charter provides that, "[t]he presence at any**  
19 **meeting of four Directors shall constitute a quorum of the Management Board for**  
20 **transaction of any business," with only four current Directors, the Management**  
21 **Board will not achieve a quorum if any director is unavailable to meet; and**

22 **WHEREAS, in order to ensure that the Management Board is able to transact business, the**  
23 **Commerce Committee recommends that the Legislative Council temporarily**  
24 **reduce the Management Board quorum to three Directors and provide the**  
25 **Committee sufficient time to present to the Legislative Council Charter**  
26 **amendments or other actions necessary to ensure that the Management Board**  
27 **may transact business.**

28 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that,**  
29 **notwithstanding Section 5(c)(3) of the Gaming Enterprise Charter, the presence at**  
30 **any meeting of three Directors shall constitute a quorum of the Management**  
31 **Board for transaction of any business; provided that (1) the provisions of this**  
32 **resolution shall automatically expire on April 14, 2021 and (2) the Commerce**  
33 **Committee shall by April 9, 2021 present to the Legislative Council Gaming**

Enterprise Charter amendments or other actions necessary to ensure that the Management Board may transact business.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10<sup>TH</sup> day of DECEMBER, 2020 at a meeting at which a quorum was present with a vote of 2,848.05 FOR; 327.65 AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(b) and 1(e) 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*

Timothy Joaquin, Legislative Chairman

11 day of December, 2020

ATTEST:

*Evonne Wilson*

Evonne Wilson, Legislative Secretary

11 day of December, 2020

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 11 day of December, 2020 at 12:45 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*

Timothy Joaquin, Legislative Chairman

APPROVED

on the 14 day of December, 2020

DISAPPROVED

at 4:16 o'clock, P.m.

*Ned Norris, Jr.*

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

**RESOLUTION NO. 20-440**  
**(Reducing Gaming Enterprise Management Board Quorum)**  
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Returned to the Legislative Secretary on the 14 day of  
December, 2020, at 4:30 o'clock, P.m.

  
Evonne Wilson, Legislative Secretary

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ACTION: REDUCING GAMING ENTERPRISE MANAGEMENT BOARD QUORUM

MOVED: COUNCILWOMAN JANICE FELIX

SECOND: COUNCILWOMAN MARLAKAY HENRY

DATE: DECEMBER 10, 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			
GU ACHI 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	X			
<b>TOTAL</b>		<b>3,175.7</b>	<b>2,848.05</b>	<b>327.65</b>	<b>-0-</b>	<b>[01]</b>