

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Extending the Gaming Enterprise Management Board Quorum Reduction)

RESOLUTION NO. 21-112

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,** by Resolution No. 20-440, the Legislative Council approved a temporary reduction
23 in the Management Board's quorum requirement to three Directors through
24 April 14, 2021, in order to ensure that the Management Board is able to transact
25 business; and

26 **WHEREAS,** the Commerce Committee recommends extending the temporary reduction in
27 the Management Board's quorum requirement through August 31, 2021 to
28 provide the Committee sufficient time to present to the Legislative Council
29 Charter amendments or other actions necessary to ensure that the Management
30 Board may transact business.

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

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Committee shall by August 13, 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 07TH day of APRIL, 2021 at a meeting at which a quorum was present with a vote of 1,876.25 FOR; 1,299.45 AGAINST; [01] NOT VOTING; and [03] 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 C. Joaquin
Timothy Joaquin, Legislative Chairman

12 day of April, 2021

ATTEST:

Evonne Wilson
Evonne Wilson, Legislative Secretary

7 day of April, 2021

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 12 day of April, 2021 at 4:27 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 C. Joaquin
Timothy Joaquin, Legislative Chairman

APPROVED

DISAPPROVED

on the 12 day of April, 2021
at 5:02 o'clock, P.m.

Ned Norris, Jr.
NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 12 day of

April, 2021, at 5:02 o'clock, p.m.


Evonne Wilson, Legislative Secretary

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ACTION: EXTENDING THE GAMING ENTERPRISE MANAGEMENT BOARD QUORUM REDUCTION

MOVED: COUNCILWOMAN GRACE MANUEL

SECOND: COUNCILWOMAN JANICE FELIX

DATE: APRIL 07, 2021

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 384.8	1. LEANDER MASE (Francine Schooling) 2. ALBERTA J. RAY (Frances G. Antone)	192.40 192.40	X	X		
CHUKUT KUK 347.5	1. VIVIAN JUAN-SAUNDERS (Juanita Homer) 2. MARLAKAY HENRY (Billman Lopez)	173.75 173.75	X	X		
GU ACHI 279.3	1. VICTORIA HOBBS () 2. TIMOTHY L. JOAQUIN (<i>Absent</i>) (Louis L. Johnson) (<i>Present</i>)	139.65 139.65	X X			X
GU VO 264.5	1. DALLAS LEWIS (Nacho Flores) 2. GRACE MANUEL ()	132.25 132.25	X		X	
HICKIWAN 213.8	1. SANDRA D. ORTEGA () 2. LOUIS R. LOPEZ (Delma M. Garcia)	106.90 106.90	X X			X
PISINEMO 230.7	1. MONICA K. MORGAN () 2. MARIETTA MARTIN ()	115.35 115.35		X X		
SAN LUCY 235.6	1. GLORIA RAMIREZ () 2. JANA MONTANA (Lorraine M. Eiler)	117.80 117.80	X	X		
SAN XAVIER 238.9	1. JANICE FELIX (Adam Andrews) 2. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	119.45 119.45	X X			X
SCHUK TOAK 189.0	1. QUINTIN C. LOPEZ (Agnes V. Joaquin) 2. TERESA F. DONAHUE (Alberta Espinoza)	94.50 94.50		X X		
SELLS 547.1	1. EVELYN JUAN MANUEL () 2. ARTHUR WILSON ()	273.55 273.55	X	X		
SIF OIDAK 244.5	1. LUCINDA ALLEN (Yolonda Garcia) 2. MARY LOPEZ (Ann M. Garcia)	122.25 122.25	X	X		
TOTAL		3,175.7	1,876.25	1,299.45	[01]	[03]