

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving Amendment to Device Operating Rights Transfer Pool Agreement  
between the Navajo Nation and Tohono O'odham Nation)**

**RESOLUTION NO. 21-128**

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to “consult,**  
2 **negotiate and conclude agreements and contracts on behalf of the Tohono**  
3 **O'odham Nation with Federal, State and local governments and other Indian**  
4 **tribes . . . on all matters within the authority of the Tohono O'odham Council”**  
5 **(Constitution of the Tohono O'odham Nation, Article VI, Section 1(f)); and**

6 **WHEREAS, the Tohono O'odham Nation and Navajo Nation each have entered into a valid and**  
7 **effective Tribal-State Gaming Compact with the State of Arizona (the “Tribal-State**  
8 **Gaming Compacts”) containing provisions permitting the transfer and**  
9 **acquisition of Gaming Device Operating Rights through transfer pools; and**

10 **WHEREAS, the Navajo Nation and Tohono O'odham Nation entered into a Gaming Device**  
11 **Operating Rights Transfer Pool Agreement (“Agreement”) with respect to the**  
12 **transfer of Pooled Gaming Device Operating Rights from Navajo Nation to the**  
13 **Tohono O'odham Nation for a term that commenced on September 9, 2008 and**  
14 **ends at 11:59:59 p.m. on February 4, 2026 (Legislative Council Resolution No. 06-**  
15 **110, as amended by Resolution No. 06-356); and**

16 **WHEREAS, by Resolution No. 08-063, the Legislative Council approved the First Modification**  
17 **to the Agreement; and**

18 **WHEREAS, the Agreement was entered into pursuant to the rights and obligations set forth**  
19 **in the parties' respective Tribal-State Gaming Compacts, including Section**  
20 **3(d)(12) of the Tribal-State Gaming Compacts, which governs Gaming Device**  
21 **Operating Rights transfer pool agreements; and**

22 **WHEREAS, the Commerce Committee and Nation's Chairperson recommend that the**  
23 **Legislative Council approve an amendment to the Agreement (the “Amendment”).**

24 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council (1) approves**  
25 **the Amendment to the Agreement substantially in the form presented to the**  
26 **Legislative Council, (2) authorizes and directs the Chairman of the Nation to**  
27 **execute the Agreement; and (3) authorizes and directs the Tohono O'odham**  
28 **Gaming Enterprise to timely make to the Navajo Nation all payments required**  
29 **under the Agreement.**

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(Approving Amendment to Device Operating Rights Transfer Pool Agreement between the Navajo Nation and Tohono O'odham Nation)

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 20<sup>TH</sup> day of APRIL, 2021 at a meeting at which a quorum was present with a vote of 3,175.7 FOR; -0- AGAINST; -0- NOT VOTING; and [01] 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 C. Joaquin, Jr.  
Timothy Joaquin, Legislative Chairman  
23 day of April, 2021

ATTEST:

Evonne Wilson  
Evonne Wilson, Legislative Secretary  
21 day of April, 2021

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 23 day of April, 2021 at 11:00 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, Jr.  
Timothy Joaquin, Legislative Chairman

APPROVED

on the 4 day of May, 2021

DISAPPROVED

at 9:50 o'clock, A.M.

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

EXCEEDED 48 HOURS

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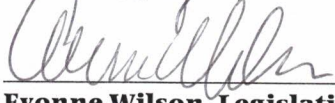
**RESOLUTION NO. 21-128**

**(Approving Amendment to Device Operating Rights Transfer Pool Agreement between the Navajo Nation and Tohono O'odham Nation)**

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Returned to the Legislative Secretary on the 4 day of

May, 2021, at 12:45 o'clock, P.m.



Evonne Wilson, Legislative Secretary

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**ACTION: APPROVING AMENDMENT TO DEVICE OPERATING RIGHTS TRANSFER POOL AGREEMENT BETWEEN THE NAVAJO NATION AND TOHONO O'ODHAM NATION**

**Moved: COUNCILMAN DANIEL L.A. PRESTON III**

**SECOND: COUNCILWOMAN GRACE MANUEL**

**DATE: APRIL 20, 2021**

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 ( <i>Absent</i> ) (Louis L. Johnson) ( <i>Present</i> )	139.65	X			X
GUVO 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			
	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 ( <i>Absent</i> ) (Adam Andrews) ( <i>Present</i> )	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>3,175.7</b>	<b>-0-</b>	<b>-0-</b>	<b>[01]</b>