

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Tribal Land Assignment for Desert Diamond Why Property)**

RESOLUTION NO. 21-436

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
3 hereafter acquired by the nation, or held for the use of the nation or its
4 members, are a valuable public resource and shall be held as national
5 lands forever. Control and management thereof are vested in the Tohono
6 O'odham Council, which may enact laws governing the use, assignment,
7 permit, lease or other disposition of lands, interests in land and resources
8 of the nation consistent with Federal law.
9 ; and
10 **WHEREAS,** the Tohono O'odham Gaming Enterprise (the "Gaming Enterprise") is a wholly
11 owned tribal government enterprise established pursuant to Article VI, Section
12 1(e) of the Nation's Constitution and is responsible for planning, constructing,
13 and operating the Nation's gaming facilities and conducting gaming activities
14 (Charter of the Gaming Enterprise ("Charter"), 16 Tohono O'odham Code Chapter
15 2); and
16 **WHEREAS,** Section 5(d)(6) of the Charter vests the Gaming Enterprise Management Board
17 with authority to "Utilize, improve, maintain, operate and manage, in the
18 ordinary course of business, all interests in real property held by the Enterprise,
19 including negotiation of leases or subleases of real property subject to approval
20 of the Legislative Council; provided however, that nothing in this Charter shall be
21 construed as authorizing the Enterprise to mortgage or encumber trust or
22 restricted real property of the Nation without the prior consent of the Legislative
23 Council"; and
24 **WHEREAS,** it is in the Nation's best interest to grant the Gaming Enterprise a tribal land
25 assignment for the national lands at the Desert Diamond Why Property in
26 accordance with the existing assignment authority vested by Article VI, Section 1
27 and Article XVI, Section 1 of the Constitution of the Tohono O'odham Nation; and
28 **WHEREAS,** the Tribal Land Assignment for Desert Diamond Why Property, which is
29 incorporated by this reference, shall constitute a disposition authorized by the
30 Legislative Council, be non-exclusive in accordance with its terms, and have a
31 term of six years and 364 days; and
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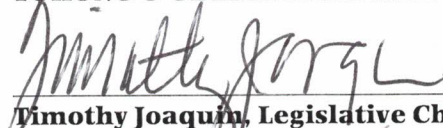
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1 WHEREAS, the Land Assignment has been reviewed by the Commerce and Agricultural and
2 Natural Resources Committees, which recommend that it be approved.


3 NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the
4 Tribal Land Assignment for the Desert Diamond Why Property in substantially
5 the form incorporated herein and authorizes and directs the Nation's
6 chairperson to execute the Land Assignment.

7 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 17TH
8 day of NOVEMBER, 2021 at a meeting at which a quorum was present with a vote of 2,947.3 FOR;
9 -0- AGAINST; 270.7 [02] NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the
10 Council by, Article VI, Section 1(e) and Article XVI, Section 1 of the Constitution of the Tohono
11 O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by
12 the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant
13 to Section 16 of the Act of June 18, 1934 (48 Stat.984).

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16 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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20 Timothy Joaquin, Legislative Chairman
21
22 19 day of November, 2021

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25 ATTEST:

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28 Evonne Wilson, Legislative Secretary
29
30 19 day of November, 2021

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32 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
33 O'odham Nation on the 19 day of November, 2021 at 2:32 o'clock, p.m.,
34 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
35 effective upon his approval or upon his failure to either approve or disapprove it within 48
36 hours of submittal.

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38 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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42 Timothy Joaquin, Legislative Chairman
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APPROVED

on the 22 day of March, 2021

DISAPPROVED

at 11:00 o'clock, a.m.



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

Returned to the Legislative Secretary on the 23 day of

November, 2021, at 10:12 o'clock, a.m.



Evonne Wilson, Legislative Secretary

ACTION: APPROVING TRIBAL LAND ASSIGNMENT FOR DESERT DIAMOND WHY PROPERTY

MOVED: COUNCILMAN DANIEL L.A. PRESTON III

SECOND: COUNCILWOMAN JANICE FELIX

DATE: NOVEMBER 17, 2021

| DISTRICT | LEGISLATIVE REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|----------------------|---|------------|---------|---------|---------------|--------|
| SIF OIDAK 245.6 | 1. MARY LOPEZ (<i>Absent</i>) | 122.8 | X | | | X |
| | (Ann M. Garcia) (<i>Present</i>) | 122.8 | X | | | |
| SELLS 556.5 | 2. LUCINDA ALLEN (Francis Homewytewa) | | | | | |
| | 1. ARTHUR WILSON () | 278.25 | X | | | |
| SCHUK TOAK 190.5 | 2. EVELYN JUAN-MANUEL (Arvada Liston) | 278.25 | X | | X | |
| | 1. TERESA F. DONAHUE (Alberta Espinoza) | 95.25 | X | | | |
| SAN XAVIER 242.6 | 2. DELISA M. RAMON (Sharon A. Francisco) | 95.25 | X | | | |
| | 1. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner) | 121.3 | X | | | |
| SAN LUCY 243.8 | 2. JANICE FELIX (Adam P. Andrews) | 121.3 | X | | | |
| | 1. JANA MONTANA (Lorraine M. Eiler) | 121.9 | X | | | |
| PISINEMO 232.7 | 2. ROGER MANUEL (<i>Absent</i>) (Christina Andrews) (<i>Present</i>) | 121.9 | X | | | |
| | 1. MARIETTA MARTIN () | 116.35 | X | | | |
| HICKIWAN 216.6 | 2. EDWARD D. MANUAL (Monica Morgan) | 116.35 | X | | | |
| | 1. LOUIS R. LOPEZ () | 108.3 | X | | | X |
| GU VO 270.7 | 2. SANDRA D. ORTEGA (<i>Absent</i>) (Delma M. Garcia) (<i>Present</i>) | 108.3 | X | | | |
| | 1. GRACE MANUEL () | 135.35 | | | X | |
| GU ACHI 278.5 | 2. CYNTHIA SAAVEDRA (<i>Absent</i>) (Dallas Lewis) (<i>Present</i>) | 135.35 | | | X | X |
| | 1. TIMOTHY L. JOAQUIN () | 139.25 | X | | | X |
| CHUKUT KUK 351.6 | 2. VICTORIA HOBBS (<i>Absent</i>) (Tonya L. Joaquin) (<i>Present</i>) | 139.25 | X | | | |
| | 1. MARLAKAY HENRY (<i>Absent</i>) (Billman Lopez) (<i>Present</i>) | 175.8 | X | | | |
| BABOQUIVARI 388.9 | 2. VIVIAN JUAN-SAUNDERS (Cornelius Antone) | 175.8 | X | | | |
| | 1. ALBERTA J. RAY (Frances G. Antone) | 194.45 | X | | | |
| | 2. LEANDER MASE (Francine Schooling) | 194.45 | X | | | |
| TOTAL | | 3,218.0 | 2,947.3 | -0- | 270.7 [02] | [04] |