

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

RESOLUTION NO. 22-187

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Tohono O'odham
2 Legislative Council with the power to acquire and administer land (Constitution,
3 Article VI, Section 1(i)); and

4 **WHEREAS,** Article XVI, Section 1 of the Nation's Constitution provides

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

12 ; and

13 **WHEREAS,** in 1986, the United States Congress enacted the Gila Bend Indian Reservation
14 Lands Replacement Act to "facilitate replacement of reservation lands with lands
15 suitable for sustained economic use which is not principally farming and do not
16 require Federal outlays for construction, and promote the economic self-
17 sufficiency of the O'odham Indian people." (Pub. L. 99-503, Section 1(4)); and

18 **WHEREAS,** the Tohono O'odham Nation is authorized to acquire replacement lands under
19 the terms of the Gila Bend Indian Reservation Lands Replacement Act, which
20 lands the Secretary of the Interior "shall hold in trust for the benefit" of the Nation
21 (Pub. L. 99-503, Section 6(d)); and

22 **WHEREAS,** under the terms of the Gila Bend Indian Reservation Lands Replacement Act,
23 such trust lands shall be deemed an Indian reservation "for all purposes" (Pub. L.
24 99-503, Section 6(d)); and

25 **WHEREAS,** the Tohono O'odham Nation has acquired title to 110.3 acres of land in
26 unincorporated Maricopa County near the intersection of the Northern Parkway
27 and Arizona State Route 303 (the "Far West Valley Area") so that it may be taken
28 into trust by the United States for the benefit of the Tohono O'odham Nation and
29 be used as replacement lands under the terms of the Gila Bend Indian
30 Reservation Lands Replacement Act, Pub. L. 99-503; and

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1 **WHEREAS, the Nation intends to use the Far West Valley Area for the purposes designated in**
2 **the Gila Bend Indian Reservation Lands Replacement Act; and**

3 **WHEREAS, the Tohono O’odham Gaming Enterprise (the “Gaming Enterprise”) is a wholly**
4 **owned tribal government enterprise established pursuant to Article VI, Section**
5 **1(e) of the Nation’s Constitution and is responsible for planning, constructing,**
6 **and operating the Nation’s gaming facilities and conducting gaming activities**
7 **(Charter of the Gaming Enterprise (“Charter”), 16 Tohono O’odham Code Chapter**
8 **2); and**

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

17 **WHEREAS, Section 5(d)(3) of the Charter further vests the Gaming Enterprise Management**
18 **Board with authority to “Manage and maintain all existing gaming facilities and**
19 **amenities and be responsible for the planning, construction and management of**
20 **all new or additional gaming facilities and related amenities”; and**

21 **WHEREAS, it is in the Nation’s best interest to grant the Gaming Enterprise a tribal land**
22 **assignment for the Far West Valley Area in accordance with the assignment**
23 **authority vested by Article VI, Section 1 and Article XVI, Section 1 of the**
24 **Constitution of the Tohono O’odham Nation; and**

25 **WHEREAS, the Tribal Land Assignment for the Far West Valley Area, which is incorporated by**
26 **this reference, shall constitute a disposition authorized by the Legislative**
27 **Council, be non-exclusive in accordance with its terms, and shall have a term of**
28 **six years and three hundred and sixty-four (364) days from the effective date; and**

29 **WHEREAS, the Economic Development Delegation has reviewed the Tribal Land Assignment**
30 **for the Far West Valley Area with the Commerce and Agricultural and Natural**
31 **Resources Committees, which recommend that it be approved.**

32 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O’odham Legislative Council approves the**
33 **Tribal Land Assignment for the Far West Valley Area in substantially the form**

1 incorporated herein and authorizes and directs the Nation's chairperson to
2 execute the Land Assignment.

3 **BE IT FURTHER RESOLVED** that, pending the Secretary of the Interior's acquisition of the Far
4 **West Valley Area in trust on behalf of the Tohono O'odham Nation in accordance**
5 **with the Gila Bend Indian Reservation Lands Replacement Act, the Tohono**
6 **O'odham Legislative Council authorizes and directs the Tohono O'odham**
7 **Gaming Enterprise, subject to existing Legislative Council resolutions and**
8 **agreements, including but not limited to any outstanding leases and any**
9 **agreements between the Nation and San Lucy District, to:**

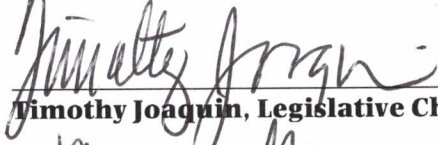
- 10 **(1) utilize, improve, maintain, operate and manage the Far West Valley Area to**
11 **carry out the purposes of the Charter; and**
- 12 **(2) enter into any necessary service line agreements for the provision of utility**
13 **services to the Far West Valley Area in order to carry out the purposes of the**
14 **Charter;**
- 15 **(3) authorize draws upon escrowed funds to complete certain improvements**
16 **identified in the Amended and Restated Joint Development Agreement**
17 **approved by Resolution No. 21-255 (the "JDA"); and**
- 18 **(4) pay, when and as the same become due and payable, all fees and costs for the**
19 **Enterprise's utilization, improvement, maintenance, operation and**
20 **management, including but not limited to all infrastructure development**
21 **costs, including contributions required pursuant to the terms of the JDA, and**
22 **all taxes, assessments, licenses, fees, and other like charges levied upon or**
23 **against the Far West Valley Area for which either the Enterprise or the Nation**
24 **may become liable.**

25 **BE IT FINALLY RESOLVED** by the Tohono O'odham Legislative Council that nothing in this
26 **resolution constitutes an encumbrance of the Far West Valley Area.**

27 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 18TH**
28 **day of MAY, 2022 at a meeting at which a quorum was present with a vote of 3,218.0 FOR; -0-**
29 **AGAINST; [01] NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by,**
30 **Article VI, Section 1(e) and 1(i) and Article XVI, Section 1 of the Constitution of the Tohono**
31 **O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by**
32 **the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant**
33 **to Section 16 of the Act of June 18, 1934 (48 Stat.984).**

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

19 day of May, 2022

ATTEST:

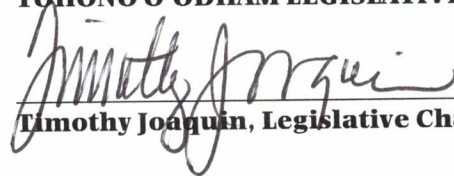


Evonne Wilson, Legislative Secretary

19 day of May, 2022

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 19 day of May, 2022 at 12:14 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



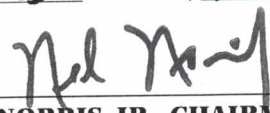
Timothy Joaquin, Legislative Chairman

APPROVED

on the 23rd day of May, 2022

DISAPPROVED

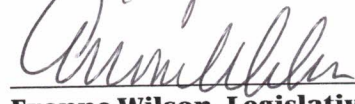
at 12:03 o'clock, P.m.



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

Returned to the Legislative Secretary on the 23 day of

May, 2022, at 12:13 o'clock, P.m.



Evonne Wilson, Legislative Secretary

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ACTION: APPROVING TRIBAL LAND ASSIGNMENT FOR THE FAR WEST VALLEY AREA

MOVED: COUNCILWOMAN JANICE FELIX

SECOND: COUNCILWOMAN GRACE MANUEL

DATE: MAY 18, 2022

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 245.6	1. MARY LOPEZ (Ann M. Garcia)	122.8	X			
	2. LUCINDA ALLEN (Francis Homewytewa)	122.8	X			
SELLS 556.5	1. ARTHUR WILSON ()	278.25	X			X
	2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25	X			
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza)	95.25	X			
	2. DELISA M. RAMON (Sharon A. Francisco)	95.25	X			
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	121.3	X			
	2. JANICE FELIX (Adam P. Andrews)	121.3	X			
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eiler)	121.9	X			X
	2. ROGER MANUEL (Christina Andrews)	121.9	X			
PISINEMO 232.7	1. MARIETTA MARTIN ()	116.35	X			
	2. EDWARD D. MANUEL (Monica Morgan)	116.35	X		X	
HICKIWAN 216.6	1. LOUIS R. LOPEZ ()	108.3	X			X
	2. DELMA M. GARCIA ()	108.3	X			
GU VO 270.7	1. GRACE MANUEL ()	135.35	X			
	2. CYNTHIA SAAVEDRA (Dallas Lewis)	135.35	X			
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN ()	139.25	X			
	2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25	X			
CHUKUT KUK 351.6	1. MARLAKAY HENRY (<i>Absent</i>) (Billman Lopez) (<i>Present</i>)	175.8	X			X
	2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8	X			
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone)	194.45	X			
	2. LEANDER MASE (Francine Schooling)	194.45	X			
TOTAL		3,218.0	3,218.0	-0-	[01]	[04]