

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Addendum Number Three to the Mining Lease with Cyprus
Casa Grande Corporation)**

RESOLUTION NO. 93-370

WHEREAS, the Tohono O'odham Nation and Cyprus Casa Grande Corporation (hereinafter "Cyprus") have entered into a mining lease (Contract No. H50C14207272) for a mining operation located in the Sif Oidak District of the Nation; and

WHEREAS, Cyprus proposes to expand its mining activities to include an open pit operation and has proposed an addendum to the lease (attached hereto as Exhibit "A") which is necessary if Cyprus is to proceed with the project, and which includes a royalty applicable to copper recovered by the open pit mining method; and

WHEREAS, the royalty payable by Cyprus under the addendum will include a profit sharing arrangement and will require that the Nation and Cyprus agree on which costs of the mining operation can be deducted by Cyprus as allowable operating expenses before computing the Nation's net profits royalty and profit participation payments, and Cyprus has proposed that the Nation retain an expert in minerals accounting at Cyprus' expense to assist the Nation in its negotiations with Cyprus to define allowable operating expenses; and

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3 **WHEREAS, Cyprus has agreed to certain principals regarding employment**
4 **and training of tribal members that will require revision of the**
5 **Compliance Plan attached to the lease as Exhibit I, and Cyprus**
6 **has submitted a proposed Compliance Plan to the Nation's**
7 **Tribal Employment Rights Office in accordance with the**
8 **Nation's Employment Rights Ordinance, Ord. No. 01-85; and**

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11 **WHEREAS, the open pit mining proposal has been reviewed and**
12 **recommended for approval by the Sif Oidak District Council and**
13 **by the Natural Resources Committee; and**

14
15 **WHEREAS, the Legislative Council has reviewed the proposal and considered**
16 **the position of the District and believes that it is the Nation's**
17 **best interest to approve the lease addendum as proposed.**

18
19 **NOW, THEREFORE, BE IT RESOLVED THAT the Legislative Council does**
20 **hereby approve Addendum Number Three to the Mining Lease**
21 **Indian Lands, Contract H50C14207272, attached hereto as**
22 **Exhibit "A", and authorizes and directs the Chairman of the**
23 **Nation to execute an addendum to the mining lease with Cyprus**
24 **Casa Grande Corporation in a form substantially similar**
25 **thereto.**
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3 **BE IT FURTHER RESOLVED THAT** the Chairman of the Nation is
4
5 authorized and directed to do all things and execute all
6 documents necessary to retain a minerals accountant at Cyprus'
7 expense to assist the Nation in further defining the profit-sharing
8 arrangement under the lease as amended.

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10 **BE IT FINALLY RESOLVED THAT** the Nation's Chairman and Tribal
11 Employment Rights Office are authorized and directed to
12 negotiate a Compliance Plan and Memorandum of
13 Understanding with Cyprus Casa Grande Corporation to be
14 submitted to the Legislative Council for approval as an
15 attachment to the Mining Lease.
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18 The foregoing Resolution was passed by the Tohono O'Odham Legislative
19 Council on the 18TH day of OCTOBER, 1993 at a meeting at which a
20 quorum was present with a vote of 1,378.0 FOR; -0- AGAINST; -0- NOT
21 VOTING; and 385.0 [08] ABSENT, pursuant to the powers vested in the
22 Council by Section 2(d) of Article VI of the Constitution of the Tohono
23 O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18,
24 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs
25 (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18,
26 1934 (48 Stat. 984).

27 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

28 
For Alex J. Ramon, Legislative Chairman

21 day of Oct, 19 93

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ATTEST:

Guacinda Allen for:
Teresa M. Choyguha, Legislative Secretary

21st day of October, 1993.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 21 day of Oct., 1993, 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

Alex J. Ramon
Alex J. Ramon, Legislative Chairman

APPROVED on the 22 day of October, 1993

DISAPPROVED) at 1:20 o'clock, P.M.

Sylvester Listo
SYLVESTER LISTO, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 25th day of October,
1993, at 4:09 o'clock, P.M.

Guacinda Allen for:
Teresa M. Choyguha, Legislative Secretary

ACTION: APPROVING ADDENDUM NUMBER THREE TO THE MINING LEASE WITH CYPRUS CASA GRANDE CORPORATION

MOVED: COUNCILMAN EUGENE ENIS, SR.

SECOND: COUNCILMAN ANDREW PATRICIO

DATE: OCTOBER 18, 1993

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 151.0	1. WILLARD JUAN, SR. (Delbert Thomas)	75.5				X
	2. MARY ANN ANTONE (Nellie Miguel)	75.5				X
SELLS 290.0	1. ANDREW M. PATRICIO (Lucille Encinas)	145.0	X			
	2. JOSEPH T. JOAQUIN (Allen W. Garica, Jr.)	145.0	X			X
SCHUK TOAK 113.0	1. FRANCES FRANCISCO ()	56.5	X			
	2. KENNETH J. ANTONE ()	56.5	X			X
SAN XAVIER 135.0	1. EUGENE ENIS, SR. ()	67.5	X			
	2. DENNIS RAMON ()	67.5	X			
BABOQUIVARI 230.0	1. FRANCES MIGUEL ()	115.0	X			
	2. EARL A. FRANCISCO (Lucilda Norris)	115.0	X			
GU ACHI 180.0	1. WILLARD ANITA ()	90.0	X			
	2. ALEX J. RAMON (Marian Johnson)	90.0	X			
PISINEMO 128.0	1. CHESTER ANTONE (Fernando Valentine)	64.0	X			
	2. JOHNSON M. JOSE (Roseleen Antone)	64.0	X			
SAN LUCY 98.0	1. JOHN RENO ()	49.0				X
	2. ALBERT MANUEL, JR. (Ernestine Marquez)	49.0				X
GU VO 124.0	1. EMILIO LEWIS ()	62.0	X			
	2. MICHAEL FLORES (Fern Salcido)	62.0	X			
HICKIWAN 136.0	1. MANUEL OSEQUEDA, JR. ()	68.0				X
	2. LLOYD FRANCISCO (Henry A. Ramon)	68.0				X
CHUKUT KUK 178.0	1. ALBERTA M. LOPEZ (Berdella Jose)	89.0	X			
	2. KENNETH WILLIAMS ()	89.0	X			
TOTAL		1,763.0	1,378.0	-0-	-0-	385.0 [08]

****PASSED VOTES**