

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Gaming Authority proposals for the design and financing of a new
Class III gaming facility)**

RESOLUTION NO. 96-054

WHEREAS, by Resolution No. 93-296, the Legislative Council enacted the Ordinance for the Regulation of Gaming Activities within the Nation, and

WHEREAS, by Resolution No. 93-311, the Legislative Council adopted the Charter of the Tohono O'odham Gaming Authority as the entity of the Nation charged with developing, operating and maintaining the Nation's gaming facilities; and

WHEREAS, pursuant to Section 4(d) of the Charter of the Gaming Authority, the Gaming Authority is required to produce the maximum economic return to the Nation consistent with the fair and reasonable expectations of gaming activity patrons; and

WHEREAS, by Resolution No.94-467, the Legislative Council directed the Gaming Authority to develop additional class III gaming facilities within the Nation taking into account the recommendations of the feasibility study; and

WHEREAS, in accordance with Resolution No. 94-467 and the feasibility study, the Gaming Authority recommends the construction of a new class

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III gaming facility to be located within the Hickiwan District
(hereinafter referred to as the "new casino"); and

WHEREAS, the Gaming Authority presented to the Legislative Council a self-financing proposal related to construction and equipment acquisition for the new casino; and

WHEREAS, pursuant to Section 8(b) (2) of the Gaming Authority Charter, the Legislative Council may approve an increase in the level of contractual obligation covered by the limited waiver of sovereign immunity granted to the Gaming Authority 8 in the Charter; and

WHEREAS, the Budget & Finance Committee and the Commerce Committee recommend approval of the Gaming Authority's proposals for the financing, design and construction of the new casino.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Legislative Council hereby approves the general development plan and architect's design for the new casino together with the design/build agreement with Design/Build

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Alliance, a licensed and bonded construction contractor, for the construction of the new casino.

2. The Legislative Council authorizes the Gaming Authority to self-finance the construction and acquisition of equipment for the new casino in an amount not to exceed two million three hundred thousand dollars (\$2,300,000).

3. The Legislative Council hereby approves raising the level of the Gaming Authority's limited waiver of sovereign immunity with respect to contract claims as described in Section 8(b) (2) of the Charter, but only for contracts related to the construction and acquisition of equipment for the new casino, to: the lesser of the Authority's payment obligation under the contract or two million three hundred thousand dollars (\$2,300,000). The Gaming Authority's immunity from execution on any judgement, award or order for contracts related to the construction and acquisition of equipment for the new casino,

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as provided in Section 8(b) (2)(b) of the Charter, is likewise raised to: an amount which, when added to amounts received from other sources in satisfaction of such judgement, award or order does not exceed two million three hundred thousand dollars (\$2,300,000).

4. The Chairman of the Nation is authorized and directed to execute any document or agreement in furtherance of this Resolution.

The foregoing Resolution was passed by the Tohono O'Odham Council on the 8TH day of FEBRUARY, 1996 at a meeting at which a quorum was present with a vote of 1,876.0 FOR; -0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article VI Section 1(d) (2), 1(i) 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



Dennis Ramon, Legislative Chairman

12th day of February, 1996

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ATTEST:

Frances Antone

Frances Antone, Legislative Secretary

13th day of February, 19 96

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 12th day of February, 1996 at 4:30 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

Dennis Ramon

Dennis Ramon, Legislative Chairman

APPROVED

on the 13 day of February, 19 96

DISAPPROVED

at 2:50 o'clock, P.M.

Edward D. Manuel

EDWARD D. MANUEL, Chairman

TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 13th day of

February, 1996, at 5:14 o'clock, P.M.

Frances Antone
Frances Antone, Legislative Secretary

ACTION: APPROVING GAMING AUTHORITY PROPOSALS FOR THE DESIGN AND FINANCING OF A NEW CLASS III GAMING FACILITY

MOVED: COUNCILMAN WILLARD ANITA

SECOND: COUNCILMAN KENNETH ANTONE

DATE: FEBRUARY 8, 1996

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 160.0	1. MARY ANN ANTONE (Nellie Miguel)	80.0	X			
	2. RITA MARTINEZ (Maxine Norris)	80.0	X			
SELLS 314.0	1. JOSEPH T. JOAQUIN (Allen W. Garcia, Jr.)	157.0	X			
	2. LUCILLE ENCINAS (Cynthia Chico)	157.0	X			
SCHUK TOAK 117.0	1. KENNETH J. ANTONE ()	58.5	X			
	2. MARY JANE JUAN-MOORE ()	58.5	X			
SAN XAVIER 142.0	1. DENNIS RAMON ()	71.0	X			
	2. TONY BURRELL ()	71.0	X			
BABOQUIVARI 257.0	1. EDWARD KISTO (Idella Stanley)	128.5	X			
	2. FRANCES MIGUEL (Kenneth Chico, Sr.)	128.5	X			
GU ACHI 187.0	1. ALEX J. RAMON (Marian Johnson)	93.5	X			X
	2. WILLARD ANITA (Louis Johnson)	93.5	X			
PISINEMO 135.0	1. JOHNSON JOSE (Roseleen Antone)	67.5	X			
	2. BARBARA SALVICIO ()	67.5	X			
SAN LUCY 105.0	1. ALBERT MANUEL, JR. ()	52.5	X			
	2. JOHN RENO (Mary Hoffman)	52.5	X			
GU VO 134.0	1. MICHAEL FLORES ()	67.0	X			
	2. FERN SALCIDO (Larry Montana)	67.0	X			
HICKIWAN 142.0	1. LLOYD FRANCISCO ()	71.0	X			
	2. ALEX JOSE ()	71.0	X			
CHUKUT KUK 183.0	1. KENNETH WILLIAMS ()	91.5	X			
	2. DAVID GARCIA (Marvin Thomas)	91.5	X			
TOTAL		1,876.0	1,876.0	-0-	-0-	[01]

****PASSED VOTES**