

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL

(Approving a Patented Mining Claim Purchase Agreement between the University of Arizona and the Tohono O'odham Nation)

RESOLUTION NO. 96-083

WHEREAS, the Tohono O'odham Nation ("Nation") has a policy of consolidating lands within the Nation into tribal ownership, as stated in the Constitution of the Tohono O'odham Nation, Article XVI, Section 9, and seeks to do this by acquiring patented and unpatented mining claims located within its boundaries; and

WHEREAS, the Arizona Board of Regents, on behalf of The University of Arizona ("University"), owns four (4) patented mining claims including both surface and subsurface rights ("Patented Claims") which were donated to the University by the estate of Stanley Secrist for the benefit of the University of Arizona Medical School, namely:

- 1. Senator No. 1 (20.621 acres)**
- 2. Sunbeam No. 1 (20.522 acres)**
- 3. Minnie Mine No. 1 (20.661 acres)**
- 4. Santo Tomas mill site (5.0 acres)**

totalling 66.804 acres, more or less, which are located within the boundaries of the Nation, and are more particularly described in Exhibit "A" attached to the Patented Mining Claim Purchase

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Agreement ("Purchase Agreement") attached hereto; and

WHEREAS, the University of Arizona Medical School is now referred to as the
University of Arizona College of Medicine ("College of Medicine");
and

WHEREAS, the University is prohibited by state law from donating property to
any other entity, and therefore has offered to sell the Patented
Claims to the Nation and to place the net proceeds of the sale in
a scholarship fund at the University designated for members of the
Nation who participate in programs of the College of Medicine or
other health sciences programs under the control of the Vice
President of Health Sciences; and

WHEREAS, the University has agreed that the terms and conditions of the
scholarship fund will be determined by the Nation in consultation
with the University's Scholarship and Endowment Offices; and

WHEREAS, the Nation wishes to acquire the Patented Claims, to be held in
trust by the United States of America ("United States") for the
benefit of the Nation under the authority of 25 U.S.C. § 465 and

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25 C.F.R. Part 151, and has agreed to pay the appraised value of
\$300 per acre, for a total purchase price of \$20,041.20; and

WHEREAS, the transaction will close after the United States has inspected the
Patented Claims and examined the title records and has agreed to
take the lands into trust; and

WHEREAS, if the transaction does not close within ten (10) months of the date
of the Purchase Agreement, either party may cancel the Purchase
Agreement by giving written notice to the other party; and

WHEREAS, the Natural Resources Committee of the Legislative Council has
reviewed the transaction, has met with University and Bureau of
Indian Affairs officials and attorneys, and recommends approval by
the Legislative Council; and

WHEREAS, the Budget and Finance Committee of the Legislative Council has
reviewed the transaction and recommends jointly with the Natural
Resources Committee that the \$22,000 needed for this transaction
be appropriated from the Nation's portion of mining revenues.

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NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The Tohono O'odham Legislative Council ("Legislative Council") approves the Purchase Agreement in the form attached hereto, and authorizes and directs the Chairman of the Nation to execute the Purchase Agreement and any other documents necessary to accomplish this transaction.**
- 2. The Legislative Council approves the purchase price of \$20,041.20 and the payment of additional escrow and closing fees as described in the Purchase Agreement, for a total projected cost of \$22,000.**
- 3. The Legislative Council hereby appropriates \$22,000 from the Nation's portion of mining revenues for the purchase of the four (4) patented mining claims listed above.**
- 4. The Legislative Council requests the Secretary of the Interior to approve this acquisition and to take the land into trust status for the benefit of the Tohono O'odham Nation.**


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The foregoing Resolution was passed by the Tohono O'Odham Council on the 5TH day of MARCH, 1996 at a meeting at which a quorum was present with a vote 1,876.0 FOR; -0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by Article VI Section 1(d) & (f) and Article XVI Section 9 & 10 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


for Dennis Ramon, Legislative Chairman

11th day of March, 1996

ATTEST:



Frances Antone, Legislative Secretary

11th day of March, 1996

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 11th day of March, 1996 at 4:50 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.

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Dennis Ramon, Legislative Chairman

APPROVED

on the 12 day of March, 1996


DISAPPROVED

at 9:36 o'clock, A.M.


EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 12th day of

March, 1996, at 11:00 o'clock, A.M.


Frances Antone, Legislative Secretary

ACTION: APPROVING A PATENTED MINING CLAIM PURCHASE AGREEMENT BETWEEN THE UNIVERSITY OF ARIZONA AND THE TOHONO O'ODHAM NATION

MOVED: COUNCILWOMAN FRANCES MIGUEL

SECOND: VICE CHAIRMAN ALEX J. RAMON

DATE: MARCH 05, 1996

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 160.0	1. MARY ANN ANTONE (Nellie Miguel)	80.0	X			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			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. WILLARD ANITA (Louis Johnson)	93.5	X			
	2. ALEX J. RAMON (Marian 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-	[02]

****PASSED VOTES**