

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Business Lease and Approving Contractual Obligations for the
Development of the Leased Premises)**

RESOLUTION NO. 97-012

WHEREAS, the Hickiwan District believes economic development would be best served by the formation of the Hickiwan Development Authority, a wholly-owned enterprise of the Nation, formed for the benefit of members of the Nation and the District; and

WHEREAS, the Hickiwan District Authority shall be capitalized by the Hickiwan District and shall commence operations by operating a convenience store and RV park within the Hickiwan District and built with funds borrowed from the Tohono O'odham Gaming Authority and constructed as part of the new Class III gaming facility to be located in the Hickiwan District as approved by Resolution No. 96-054; and

WHEREAS, the principal borrowed to construct the convenience store and RV park is in excess of \$500,000 but less than \$1,000,000 (a sum not yet finalized) and documentation of the loan to be repaid by the Hickiwan Development Authority to the Tohono O'odham Gaming Authority involves waiver of sovereign immunity in excess of the limits provided in the Section 9.2.2 of the Charter; and

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1 Development of the Leased Premises)**

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**4 WHEREAS, by Resolution No. 96-054, the Legislative Council approved the design
5 build plans and the design build agreement for the convenience store
6 and RV park as part of the new Class III gaming facility located
7 within the Hickiwan District; and**

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**10 WHEREAS, the business lease in the form attached hereto requires a nominal
11 rental fee for the leased premises and does not require a payment
12 bond to be posted; and**

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**14 WHEREAS, the Legislative Council and the Hickiwan District Council agree to the
15 nominal rental fee and the waiver of the payment bond for the
16 following reasons: (a) to encourage economic development
17 opportunities within the District without undue constraints and (b)
18 under the terms of the proposed lease, all improvements will become
19 the property of the Nation at the termination of the lease; and**

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**22 WHEREAS, the Hickiwan District has a Charter for the Hickiwan Development
23 Authority and a proposed lease by and between the Nation and the
24 Hickiwan Development Authority; and**

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WHEREAS, the Hickiwan District has presented a supporting resolution to the Legislative Council, urging the adoption of the Charter, the approval of the business lease and recommending that the Legislative Council modify the limited waiver of the Authority's immunity as permitted in Section 9.3 of the Charter in order to finalize the loan from the Tohono O'odham Gaming Authority to construct the convenience store and RV park.

NOW, THEREFORE, BE IT RESOLVED that:

- 1. The Legislative Council hereby approves the business lease between the Hickiwan Development Authority and the Nation, in substantially the form attached hereto.**
- 2. The Legislative Council accepts the above-stated justification for the nominal rental fee and waiver of the payment bond.**
- 3. The Legislative Council hereby approves raising the level of the Hickiwan Development Authority's limited waiver of sovereign immunity with respect to contract claims as described in Section 9.2.2 of the Charter, but only for contracts related to the loan**

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of funds from the Tohono O'odham Gaming Authority for the construction of the convenience store and RV park, to: the lesser of the HICKIWAN Development Authority's payment obligation under the loan or One Million Dollars (\$1,000,000).

The HICKIWAN Development Authority's immunity from execution on any judgement, award or order for contract, as described in Section 9.2.2, related to the above-referenced loan 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 One Million Dollars (\$1,000,000).

4. The Nation's Chairman 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 09TH day of JANUARY, 1997 at a meeting at which a quorum was present with a vote 1,876.0 FOR; -0- AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1 (f) of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on

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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

16th day of January, 1997

ATTEST:



Frances Antone, Legislative Secretary

16th day of January, 1997

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 16th day of January, 1997 at 6:30 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, Legislative Chairman

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APPROVED on the 21 day of January, 1997

DISAPPROVED at 10:25 o'clock, A.M.

Henry A. Ramon
EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 21st day of

January, 1997, at 5:47 o'clock, P.M.

Frances Antone
Frances Antone, Legislative Secretary

ACTION: APPROVING A BUSINESS LEASE AND APPROVING CONTRACTUAL OBLIGATIONS FOR THE DEVELOPMENT OF THE LEASED PREMISES

MOVED: COUNCILWOMAN MARYANN ANTONE

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: JANUARY 09, 1997

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOICES	FOR	AGAINST	NOT VOIING	ABSENT
SIF OIDAK 160.0	1. MARY ANN ANTONE (Nellie Miguel)	80.0	X			
	2. RITA MARTINEZ (Maxine Norris)	80.0	X			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. JOSEPH JUAN ()	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			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			X
	2. JOHN RENO (Mary Hoffman)	52.5	X			
GU VO 134.0	1. GLORIA MONTANA ()	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			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-	[04]

****PASSED VOTES**