

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the lease of allotted land within San Xavier District to the
Tohono O'odham Gaming Authority)**

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RESOLUTION NO. 97-180

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

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WHEREAS, the Gaming Authority recommends the location of a gaming facility on allotted lands located within the San Xavier District; and

WHEREAS, pursuant to Section 5(d),(6) of the Charter, the Legislative Council must approve leases or subleases of real property by the Gaming Authority; and

WHEREAS, the Gaming Authority proposes to lease approximately 54 acres within allotments SX-101, SX-104, SX-199 and SX-200, all of which are located within the San Xavier District, for purposes of locating a gaming facility thereon, in accordance with the terms of the Lease attached hereto and incorporated herein by reference; and

WHEREAS, the Commerce Committee and the Budget & Finance Committee recommend approval of the lease in the form attached hereto.

NOW, THEREFORE, BE IT RESOLVED that:

- 1. The lease in the form attached hereto is hereby approved.**
- 2. The Nation's Chairman is authorized and directed to execute the lease as approval of the Nation**

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3. Neither the approval of the Lease nor anything contained herein shall be interpreted or construed as a waiver of the Nation's sovereign immunity or the Nation's consent to any forum or jurisdiction other than the Nation's Courts for the resolution of any disputes which may arise hereunder.
4. The Chairman of the Nation is authorized to concur in the Gaming Authority's request pursuant to Section 12 of the Lease that the Secretary waive the requirement that the Gaming Authority post a rental bond.
5. The Gaming Authority, its employees, agents, representatives, contractors, and sub-contractors shall comply with all applicable laws of the Nation in the performance of the duties and obligations under the Lease and in the construction, operation and maintenance of its gaming facilities.

The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 20TH. day of MAY, 1997 at a meeting at which a quorum was present with a vote of 1,065.0 FOR; 426.0 AGAINST; 385.0 NOT VOTING; and [07] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(i)(2)(d). Article XVI, Section 1 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).

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Dennis Ramon, Legislative Chairman

23rd day of May, 1997

ATTEST:



Frances G. Antone, Legislative Secretary

21st day of May, 1997.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 23rd day of May, 1997 at 3:13 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 27th day of May, 1997

DISAPPROVED at 5:46 o'clock, P.M.


EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 28th day of
May, 1997, at 2:51 o'clock, P.M.


Frances G. Antone, Legislative Secretary

ACTION: APPROVING THE LEASE OF ALLOTTED LAND WITHIN SAN XAVIER DISTRICT TO THE TOHONO O'ODHAM GAMING AUTHORITY

MOVED: COUNCILMAN WILLARD ANITA

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: MAY 20, 1997

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			X
SELLS 314.0	1. JOSEPH T. JOAQUIN (Allen W. Garcia, Jr.)	157.0			X	
	2. LUCILLE ENCINAS (Cynthia Chico)	157.0			X	X
SCHUK TOAK 117.0	1. KENNETH J. ANTONE ()	58.5	X			X
	2. JOSEPH JUAN ()	58.5	X			
SAN XAVIER 142.0	1. DENNIS RAMON ()	71.0	X			X
	2. TONY BURRELL ()	71.0	X			
BABOQUIVARI 257.0	1. EDWARD KISTO (Idella Stanley)	128.5	X			X
	2. FRANCES MIGUEL ()	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	
CHUKUT KUK 183.0	1. KENNETH WILLIAMS ()	91.5	X			
	2. DAVID GARCIA (Marvin Thomas)	91.5	X			
TOTAL		1876.0	1,065.0	426.0	385.0	(07)

**PASSED VOTES