

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Mining Lease Addendum No. 4 with Cyprus Tohono Corporation
Deferring Payment of a Portion of the Advance Minimum Royalty)**

RESOLUTION NO. 99-233

- 1 **WHEREAS, the Cyprus Tohono Corporation (formerly known as Cyprus Casa Grande**
2 **Corporation) has leased a copper mine site from the Tohono O'odham**
3 **Nation since July 1987; and**
- 4 **WHEREAS, the Mining Lease, as amended, requires payment of an Advance Minimum**
5 **Royalty of \$100,000.00 per month to the Tohono O'odham Nation; and**
- 6 **WHEREAS, low copper prices and other economic factors have caused Cyprus Tohono**
7 **to delay expanding the mine as contemplated in 1995, and subsequently**
8 **caused Cyprus Tohono to stop mining for new ore in January 1997 and to**
9 **temporarily close the copper extraction process in February 1999; and**
- 10 **WHEREAS, Cyprus Tohono desires to retain its mining and business leases for this**
11 **property and to place the mine in a "care and maintenance" status pending**
12 **an increase in copper prices with the plan that the expansion phase of the**
13 **mining will proceed at a future date; and**
- 14 **WHEREAS, during this temporary mine closure period, Cyprus Tohono is not receiving**
15 **income from the mine and desires to reduce its holding costs in any way**
16 **possible; and**
- 17 **WHEREAS, the Natural Resources Committee has received a proposal from Cyprus**
18 **Tohono seeking to reduce and defer payment of Advance Minimum**
19 **Royalties until mining resumes, and the Committee, with the advice of the**
20 **Attorney General's Office, has prepared a counter proposal; and**
- 21 **WHEREAS, the Natural Resource Committee's proposal is contained in a Mining Lease**

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1 Addendum No. 4 between the Tohono O'odham Nation and Cyprus
2 Tohono Corporation attached hereto, which would (1) Retain the Advance
3 Minimum Royalty at \$100,000.00 per month, (2) Defer payment of
4 \$50,000.00 per month until mining operations resume, (3) Require payment
5 of the deferred amount in installments three months after operations
6 resume, and (4) Require payment of the deferred amount in a lump sum if
7 the mine is sold and leases assigned or if Cyprus Tohono terminates the
8 leases.

9 NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council
10 hereby approves the Mining Lease Addendum No. 4 with Cyprus Tohono
11 Corporation and authorizes the Chairman of the Nation to sign the
12 Addendum substantially in the form attached hereto, and to sign any other
13 documentation needed to accomplish the purposes of the agreement.

14 The foregoing Resolution was passed by the Tohono O'odham Council on the 07TH day
15 of MAY, 1999 at a meeting at which a quorum was present with a vote of 1,232.0 FOR;
16 695.0 AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in
17 the Council by Section 1 (f) of Article VI of the Constitution of the Tohono O'Odham
18 Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by
19 the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986,
20 pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

21
22 TOHONO O'ODHAM LEGISLATIVE COUNCIL

23
24  FOR
25
26 Dennis Ramon, Legislative Chairman

27
28 12th day of May, 19 99
29
30

RESOLUTION NO. 99-233

(Approving Mining Lease Addendum No. 4 with Cyprus Tohono Corporation Deferring Payment of a Portion of the Advance Minimum Royalty)

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1 ATTEST:

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5 Julianna Saraficio, Acting Legislative Secretary

6
7 07 day of May, 19 99.

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9 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
10 O'Odham Nation on the 12th day of May, 19 99 at
11 2:53 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the
12 Constitution and will become effective upon his approval or upon his failure to either
13 approve or disapprove it within 48 hours of submittal.

14
15 TOHONO O'ODHAM LEGISLATIVE COUNCIL


16 
17 Dennis Ramon, Legislative Chairman

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21 APPROVED

on the 13th day of May, 19 99

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23 DISAPPROVED

at 5:57 o'clock, P.M.

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25 
26 EDWARD D. MANUEL, Chairman
27 TOHONO O'ODHAM NATION

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31 Returned to the Legislative Secretary on the 14th day of

32 May, 19 99, at 9:03 o'clock, A.M.

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34 
35 Julianna Saraficio, Acting Legislative Secretary
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ACTION: APPROVING MINING LEASE ADDENDUM NO. 4 WITH CYPRUS TOHONO O'ODHAM CORPORATION DEFERRING PAYMENT OF A PORTION OF THE ADVANCE MINIMUM ROYALTY

MOVED: COUNCILWOMAN FRANCES ANTONE

SECOND: COUNCILMAN AMBROSE ENCINAS

DATE: MAY 07, 1999

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 189.0	1. DAVID GARCIA (Marvin Thomas)	94.5		X		X
	2. KENNETH WILLIAMS (Arnold F. Smith Sr.)	94.5		X		
HICKIWAN 146.0	1. ALEX JOSE ()	73.0	X			
	2. LLOYD FRANCISCO (Susan Sam)	73.0	X			
GU VO 142.0	1. FERN SALCIDO (Larry Montana)	71.0		X		
	2. GLORIA MONTANA (Phillip Antone)	71.0		X		
SAN LUCY 114.0	1. JOHN RENO (Mary Hoffman)	57.0		X		
	2. ALBERT MANUEL, JR. (Jana Montana)	57.0	X			
PISINEMO 139.0	1. BARBARA SALVICIO ()	69.5	X			X
	2. JOHNSON JOSE ()	69.5	X			
GU ACHI 190.0	1. LOUIS JOHNSON ()	95.0	X			
	2. ALEX J. RAMON ()	95.0	X			
BABOQUIVARI 258.0	1. FRANCES MIGUEL ()	129.0	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	129.0	X			
SAN XAVIER 146.0	1. TONY BURRELL ()	73.0		X		
	2. DENNIS RAMON ()	73.0		X		
SCHUK TOAK 120.0	1. JOSEPH JUAN ()	60.0	X			
	2. AMBROSE ENCINAS ()	60.0	X			X
SELLS 322.0	1. DENNIS E. JOSE ()	161.0	X			
	2. EVELYN JUAN ()	161.0	X			X
SIF OIDAK 161.0	1. RITA MARTINEZ** (Maxine Norris)	80.5		X		
	2. MARY ANN ANTONE (Darlene Andrew)	80.5		X		
TOTAL		1,927.0	1,232.0	695.0	-0-	[04]

**PASSED VOTES