

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Lease of Land to the Tohono O'odham Gaming Authority)**

RESOLUTION NO. 99-467

1 **WHEREAS, by Resolution No. 93-296, the Legislative Council enacted the Ordinance for**
2 **the Regulation of Gaming Activities within the Nation, which authorizes the**
3 **conduct of gaming activities within the Nation; and**

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

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

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

14 **WHEREAS, in accordance with the recommended locations presented in the feasibility**
15 **study, the Gaming Authority recommends the location of a gaming facility on**
16 **the Nation's trust land adjacent to Interstate 19 at the Pima Mine Road exit**
17 **within the San Xavier District; and**

18 **WHEREAS, the Gaming Authority proposes to lease approximately 80 acres of the Nation's**
19 **trust land at that location within the San Xavier District for purposes of**
20 **locating a gaming facility thereon, in accordance with the terms of the**
21 **Business Lease attached hereto and incorporated herein by reference; and**

22 **WHEREAS, by Resolution No. 95-534, the Legislative Council approved a lease for that**
23 **same parcel to the Gaming Authority, however, that Resolution was vetoed by**
24 **the Chairman and the veto was not overridden by the Council (see Resolution**
25 **No. 95-551); and**

RESOLUTION NO. 99-467

(Approving a Lease of Land to the Tohono O'odham Gaming Authority)

Page 2 of 4

1 **WHEREAS, following subsequent negotiations and consultation with the San Xavier**
2 **District Council, the Gaming Authority and the Commerce Committee, the**
3 **parties agreed to the Pima Mine Road site for the location of a gaming facility**
4 **and the terms of the lease of the premises to the Gaming Authority; and**

5 **WHEREAS, by San Xavier District Council Resolution No. SXDC 08-99-08, the San Xavier**
6 **District Council supports the construction of the proposed casino at San**
7 **Xavier located at Pima Mine Road and Interstate 19 pursuant to a lease to the**
8 **Gaming Authority; and**

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

12 **WHEREAS, the Gaming Authority proposes that no payment bond be required under the**
13 **lease because Section 7(d) of the Charter requires the Gaming Authority to pay**
14 **monthly to the Nation as a distribution all available cash; and**

15 **WHEREAS, the Natural Resources Committee and the Commerce Committee recommend**
16 **approval of the Business Lease in the form attached hereto.**

17 **NOW, THEREFORE, BE IT RESOLVED THAT:**

- 18 **1. The above-stated justification for the waiver of the payment bond is**
19 **hereby accepted.**
- 20 **2. The Business Lease in the form attached hereto is hereby approved.**
- 21 **3. The Gaming Authority, its employees, agents, representative, contractors**
22 **and subcontractors shall comply with all applicable laws of the Nation in**
23 **the performance of the duties and obligations under the Business Lease**
24 **and in the construction, operation and maintenance of its gaming**
25 **facilities.**
- 26 **4. The Chairman of the Nation is authorized and directed to execute the**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

approved Business Lease and to take all necessary and reasonable steps
for implementation in accordance with this Resolution.

The foregoing Resolution was passed by the Tohono O'odham Council on the 26TH day of
AUGUST, 1999 at a meeting at which a quorum was present with a vote of 2,165.5 FOR; -0-
AGAINST; -0- NOT VOTING; and [06] ABSENT, pursuant to the powers vested in the Council
by Section 1 (i), 2(d) of Article VI and Section 1 of Article XVI 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

26th day of August, 19 99

ATTEST:



Julianna Saraficio, Acting Legislative Secretary

26th day of August, 19 99.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono
O'Odham Nation on the 26th day of August, 19 99 at 3:16
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

RESOLUTION NO. 99-467

(Approving a Lease of Land to the Tohono O'odham Gaming Authority)

Page 4 of 4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

APPROVED

on the 30th day of August, 19 99

DISAPPROVED

at 9:20 o'clock, A.M.



**EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 30 day of

August, 19 99, at 10:09 o'clock, A.M.



Julianna Saraficio, Acting Legislative Secretary

ACTION: APPROVING A LEASE OF LAND TO THE TOHONO O'ODHAM GAMING AUTHORITY

MOVED: COUNCILMAN TONY BURRELL

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: AUGUST 26, 1999

| DISTRICT | LEGISLATIVE REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|------------------------------------|---|----------------|----------------|------------|------------|-------------|
| SIF Oidak 171.8 | 1. MARY ANN ANTONE (Darlene Andrew) | 85.9 | X | | | |
| | 2. RITA MARTINEZ (Nicholas Jose) | 85.9 | X | | | X |
| SELLS 372.7 | 1. DENNIS E. JOSE () | 186.35 | X | | | |
| | 2. EVELYN JUAN () | 186.35 | X | | | X |
| SCHUK TOAK 133.4 | 1. MARY FLORES () | 66.7 | X | | | |
| | 2. AMBROSE ENCINAS () | 66.7 | X | | | X |
| SAN XAVIER 165.9 | 1. TONY BURRELL () | 82.95 | X | | | |
| | 2. DENNIS RAMON () | 82.95 | X | | | |
| BABOQUIVARI 286.5 | 1. FRANCES MIGUEL () | 143.25 | X | | | |
| | 2. FRANCES G. ANTONE (Edward N. Kisto) | 143.25 | X | | | X |
| GU ACHI 209.6 | 1. CAMILLUS LOPEZ (Louis Johnson) | 104.8 | X | | | |
| | 2. ALEX J. RAMON () | 104.8 | X | | | |
| PISINEMO 156.8 | 1. BARBARA SALVICIO (Alex Antone) | 78.4 | X | | | |
| | 2. JOHNSON JOSE () | 78.4 | X | | | X |
| SAN LUCY 128.1 | 1. ALBERT MANUEL, JR. () | 64.05 | X | | | |
| | 2. GLORIA RAMIREZ** () | 64.05 | X | | | |
| GU VO 160.0 | 1. FERN SALCIDO () | 80.0 | X | | | X |
| | 2. GLORIA MONTANA (Phillip Antone) | 80.0 | X | | | |
| HICKIWAN 158.1 | 1. ALEX JOSE (Shirley Santos) | 79.05 | X | | | |
| | 2. LLOYD FRANCISCO (Susan Sam) | 79.05 | X | | | |
| CHUKUT KUK 222.6 | 1. KENNETH WILLIAMS () | 111.3 | X | | | |
| | 2. DAVID GARCIA (Mary Audrey Juan) | 111.3 | X | | | |
| TOTAL | | 2,165.5 | 2,165.5 | -0- | -0- | [06] |

**PASSED VOTES