RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL (Authorizing Settlement of Transfer Agreement Arbitration)

RESOLUTION NO. 13-135

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1	WHEREAS,	the TohonoO' od hamLegislativeCouncilisvestedwiththepowerto"consult, negotiate and the consult of t
2		${\bf and conclude agreements and contracts on behalf of the Tohono O'odham Nation with the the$
3		\dots other Indian tribes \dots on all matters within the authority of the Tohono O'odham
4		Council" (Constitution of the Tohono O'odham Nation, Article VI, Section 1(f)); and
5	WHEREAS,	the TohonoO'odhamNationhasestablishedtheTohonoO'odhamGamingEnterprise
6		("Gaming Enterprise") to conduct gaming activities, including the operation of class
7		III s lot machine gaming devices in accordance with the Tohono O'odham Nation-State
8		of Arizona Gaming Compact ("Compact"); and
9	WHEREAS,	by Resolution No. 06-782 and pursuant to Section 3(d) of the Compact, the Legislative
10		Council approved a Gaming Device Operating Rights Transfer Agreement Between the
11		San Juan Southern Painte Tribe and the Tohono O'odham Nation ("Transfer
12		Agreement") that permits the Gaming Enterprise to operate gaming devices in
13		addition to the Nation's current allocation and that directs the Gaming Enterprise to
14		timely make to the Tribe all payments pursuant to the Transfer Agreement; and
15	WHEREAS,	subsequent to entering into the Transfer Agreement, disputes within the San Juan
16		Southern Paiute Tribe arose as to the rightful leadership of the Tribe, making it
17		$impossible \ to \ identify\ the\ Tribe's\ chief\ executive\ of \ ficer\ or\ other\ elected\ of \ ficials\ with$
18		certainty or to determine which individuals were authorized to provide Transfer
19		Agreement payment instructions on the Tribe's behalf; and
20	WHEREAS,	pursuant to Resolution No. 08-003, the Office of Attorney General initiated an
21		arbitration under the Transfer Agreement on the Nation's behalf to resolve the
22		payment issues arising out of the Tribe's leadership dispute; and
23	WHEREAS,	the Tribe has since held a special election, resulting in the certification and seating
24		of a new Tribal Council; and
25	WHEREAS,	the Tribal Council has provided the Nation and the panel hearing the arbitration with the tribal Council has provided the Nation and the panel hearing the arbitration with the tribal Council has provided the Nation and the panel hearing the arbitration with the tribal Council has provided the Nation and the panel hearing the arbitration with the tribal Council has provided the Nation and the panel hearing the arbitration with the tribal Council has provided the Nation and the panel hearing the arbitration with the tribal Council has the tribal the tribal the tribal the tribal the tribal tribal the tribal tribal the tribal tribal the tribal tribal tribal the tribal
26		notice of this certification and seating and with instructions for resuming payments
27		under the Transfer Agreement; and
28	WHEREAS,	the Legislative Commerce Committee, with the advice and assistance of the Nation's
29		Office of Attorney General, recommend that the Nation settle the arbitration and

Agreement, which is attached hereto and incorporated by reference. NOW, THEREFORE, BE IT RESOLVED by the Legislative Council that it hereby: 1. authorizes the Nation's Chairperson to enter into the attached Settlement Agreement substantially in the form attached hereto; and 2. directs the Gaming Enterprise to resume payments to the Tribe in accordance with the Settlement Agreement and Transfer Agreement; and 3. authorizes the Office of Attorney General to take all other actions consistent with this Resolution that are necessary to carry out the Settlement Agreement. The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 26 TH Day of APRIL, 2013 at a meeting at which a quorum was present with a vote of 2,780.60 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		RESOLUTION NO. <u>13-135</u> (Authorizing Settlement of Transfer Agreement Arbitration) Page 2 of 3
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Stat. 984). TOHONO O'ODHAM LEGISLATIVE COUNCIL Timothy Joaquin, Legislative Chairman 2d day of	11 12 13 14	The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 26 TH Day of <u>APRIL</u> , 2013 at a meeting at which a quorum was present with a vote of <u>2,780.60</u> FOR; <u>-0-AGAINST</u> ; <u>-0-NOT VOTING</u> ; and <u>[04] ABSENT</u> , 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 January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on Morel 6, 1086
TOHONO O'ODHAM LEGISLATIVE COUNCIL Council	16	Stat. 984).
Timothy Joaquin, Legislative Chairman 2d day of		
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Evonne Wilson, Legislative Secretary About		
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34 35 36 37 38 38 39 39 40 40 40 40 40 40 TOHONO O'ODHAM LEGISLATIVE COUNCIL 43 44 45		Evonne Wilson, Legislative Secretary
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upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal. TOHONO O'ODHAM LEGISLATIVE COUNCIL		pursuant to the provisions of Section Fof Article VII of the Constitution and will become effective
40 submittal. 41 42 TOHONO O'ODHAM LEGISLATIVE COUNCIL 43 44 45		upon his approval or upon his failure to either approve or disapprove it within 48 hours of
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Timothy Joaquin, Legislative Chairman

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	RESOLUTION NO. 13-135 (Authorizing Settlement of Transfer Agreement Arbitration) Page 3 of 3	
1	[] APPROVED on the day of	3
2 3	[] DISAPPROVED at 3.24 o'clock, 8.M.	
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6 7	NED NORRYS, JR., CHAIRMAN	
8	TOHONO O'ODHAM NATION	
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12 13	Returned to the Legislative Secretary on the <u>JU</u> day of	
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17 18	Minnell 1h	
19	Evonne Wilson, Legislative Secretary	
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ACTION: AUTHORIZING SETTLEMENT OF TRANSFER AGREEMENT ARBITRATION

MOVED: COUNCILWOMAN FRANCES MIGUEL SECOND: COUNCILWOMAN LORRAINE EILER

DATE: APRIL 26, 2013

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 342.0	FRANCES MIGUEL (Roberta Harvey) FRANCES G. ANTONE	171.0 171.0	X			x
CHUKUT KUK 302.2	(Vernon Smith) 1. ETHEL GARCIA (Sara Mae Williams)	151.10	X			
	2. BILLMAN LOPEZ ()	151.10	х			
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN	122.45	X			
	2. CYNTHIA E. MANUEL(Absent) (Louis L. Johnson)(Present)	122.45	X			
GU VO 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	Х	<u> </u>		
	2. PAMELA ANGHILL ()	113.35	х			
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	x			
100.3	2. SANDRA ORTEGA	93.15	X	:		X
PISINEMO	1. CHESTER ANTONE (Tony Murrietta)	100.35	х			
200.7	2. EDWARD MANUEL (Gerald Fayuant)	100.35	х			
SAN LUCY 204.6	LORRAINE EILER (Diana Manuel)	102.30	x			
204.0	2. JANA MONTANA (Gloria Ramirez)	102.30	х			
SAN XAVIER	1. HILARION CAMPUS (Racheal Vilson-Stoner)	107.90	x			
215.8	2. OLIVIA VILLEGAS-LISTON (Absent) (Eugene Enis) (Present)	107.90	x	:		
SCHUK TOAK	1. FRANCES B. STEPHENS (Anthony J. Rios)	84.90	Х			
169.8	2. FREDERICK JOSE (Phyllis Cachora)	84.90	Х			
SELLS	1. ARTHUR WILSON (Kimberly Mull)	237.85	X			
475.7	2. MARIA ACKERMAN	237.85	X			х
SIF OIDAK	NICHOLAS JOSE ()	105.95	Х			
211.9	2. MARY LOPEZ ()	105.95	x			X
	TOTAL			-0-	-0-	[04]