

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

RESOLUTION NO. 13-135

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to "consult, negotiate**
2 **and conclude agreements and contracts on behalf of the Tohono O'odham Nation with**
3 **... other Indian tribes ... 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 Tohono O'odham Nation has established the Tohono O'odham Gaming Enterprise**
6 **("Gaming Enterprise") to conduct gaming activities, including the operation of class**
7 **III slot 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 Paiute 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 officer or other elected officials 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**
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**

1 resume payments under the Transfer Agreement by means of the attached Settlement
2 Agreement, which is attached hereto and incorporated by reference.

3 NOW, THEREFORE, BE IT RESOLVED by the Legislative Council that it hereby:

- 4 1. authorizes the Nation's Chairperson to enter into the attached Settlement
5 Agreement substantially in the form attached hereto; and
6 2. directs the Gaming Enterprise to resume payments to the Tribe in accordance with
7 the Settlement Agreement and Transfer Agreement; and
8 3. authorizes the Office of Attorney General to take all other actions consistent with
9 this Resolution that are necessary to carry out the Settlement Agreement.

10 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 26TH Day
11 of APRIL, 2013 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0-
12 AGAINST; -0-NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Article
13 VI, Section 1 (f) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono
14 O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -
15 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48
16 Stat. 984).

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18 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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22 Timothy Joaquin, Legislative Chairman

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24 26 day of April, 2013

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29 ATTEST:

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32 Evonne Wilson, Legislative Secretary

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34 26 day of April, 2013.

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36 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham
37 Nation on the 26 day of April, 2013 at 11:24 o'clock, A.M.,
38 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
39 upon his approval or upon his failure to either approve or disapprove it within 48 hours of
40 submittal.

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42 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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46 Timothy Joaquin, Legislative Chairman

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APPROVED

on the 26 day of April, 2013

DISAPPROVED

at 3:24 o'clock, P.M.



NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 24 day of

April, 2013, at 4:25 o'clock, P.M.



Evonne Wilson, Legislative Secretary

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	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	171.0	X			X
CHUKUT KUK 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X			
	2. BILLMAN LOPEZ ()	151.10	X			
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN ()	122.45	X			
	2. CYNTHIA E. MANUEL (<i>Absent</i>) (Louis L. Johnson) (<i>Present</i>)	122.45	X			
GU VO 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X			
	2. PAMELA ANGHILL ()	113.35	X			
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ()	93.15	X			X
PISINEMO 200.7	1. CHESTER ANTONE (Tony Murrietta)	100.35	X			
	2. EDWARD MANUEL (Gerald Payuant)	100.35	X			
SAN LUCY 204.6	1. LORRAINE EILER (Diana Manuel)	102.30	X			
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
SAN XAVIER 215.8	1. HILARION CAMPUS (Racheal Vilson-Stoner)	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (<i>Absent</i>) (Eugene Enis) (<i>Present</i>)	107.90	X			
SCHUK TOAK 169.8	1. FRANCES B. STEPHENS (Anthony J. Rios)	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
SELLS 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85	X			
	2. MARIA ACKERMAN ()	237.85	X			X
SIF OIDAK 211.9	1. NICHOLAS JOSE ()	105.95	X			
	2. MARY LOPEZ ()	105.95	X			X
TOTAL		2,780.60	2,780.60	-0-	-0-	[04]