

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Tribal Land Assignment for Desert Diamond Sahuarita Property)**

RESOLUTION NO. 14-563

1 **WHEREAS,** **The unallotted lands of the Tohono O'odham Nation and all lands**
2 **hereafter acquired by the nation, or held for the use of the nation or its**
3 **members, are a valuable public resource and shall be held as national**
4 **lands forever. Control and management thereof are vested in the Tohono**
5 **O'odham Council, which may enact laws governing the use, assignment,**
6 **permit, lease or other disposition of lands, interests in land and**
7 **resources of the nation consistent with Federal law.**

8 **(Constitution of the Tohono O'odham Nation, Article XVI, Section 1); and**
9 **WHEREAS,** **the Tohono O'odham Gaming Enterprise (the "Gaming Enterprise") is a wholly**
10 **owned tribal government enterprise established pursuant to Article VI, Section**
11 **1(e) of the Nation's Constitution and is responsible for planning, constructing,**
12 **and operating the Nation's gaming facilities and conducting gaming activities**
13 **(Charter of the Gaming Enterprise ("Charter"), 16 Tohono O'odham Code**
14 **Chapter 2); and**

15 **WHEREAS,** **Section 5(d)(6) of the Charter vests the Gaming Enterprise Management Board**
16 **with authority to "Utilize, improve, maintain, operate and manage, in the**
17 **ordinary course of business, all interests in real property held by the Enterprise,**
18 **including negotiation of leases or subleases of real property subject to approval**
19 **of the Legislative Council; provided however, that nothing in this Charter shall**
20 **be construed as authorizing the Enterprise to mortgage or encumber trust or**
21 **restricted real property of the Nation without the prior consent of the Legislative**
22 **Council"; and**

23 **WHEREAS,** **in 1999 the Nation and the Gaming Enterprise entered a business lease (the**
24 **"Pima Mine Road Lease") authorizing the Enterprise to construct and operate a**
25 **gaming facility on approximately 82.090 acres of unallotted national land**
26 **located within the San Xavier District ("Desert Diamond Sahuarita Property")**
27 **and the lease expired on August 30, 2014; and**

28 **WHEREAS,** **effective August 30, 2014, the Legislative Council by Resolution No. 14-389**
29 **authorized the Gaming Enterprise to continue to utilize, improve, maintain,**

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1 **operate and manage the Desert Diamond Sahuarita Property to carry out the**
2 **purposes of the Charter for a period not to exceed six years; and**

3 **WHEREAS, it is in the Nation's best interest to grant the Gaming Enterprise a tribal land**
4 **assignment for the national lands at the Desert Diamond Sahuarita Property in**
5 **accordance with the existing assignment authority vested by Article VI, Section 1**
6 **and Article XVI, Section 1 of the Constitution of the Tohono O'odham Nation; and**

7 **WHEREAS, the Tribal Land Assignment for Desert Diamond Sahuarita Property, which is**
8 **incorporated by this reference, shall constitute a disposition authorized by the**
9 **Legislative Council, be non-exclusive in accordance with its terms, and have a**
10 **term of six years and 364 days; and**

11 **WHEREAS, the Tribal Land Assignment for Desert Diamond Sahuarita Property has been**
12 **reviewed by the Commerce and Agricultural and Natural Resources and Budget**
13 **and Finance, which recommend that it be approved.**

14 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves**
15 **the Tribal Land Assignment for Desert Diamond Sahuarita Property in**
16 **substantially the form incorporated herein, and authorizes and directs the**
17 **Nation's chairperson to execute the Assignment.**

18 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the Tribal Land**
19 **Assignment for Desert Diamond Sahuarita Property shall supersede and replace**
20 **the terms of Resolution No. 14-389, "Authorizing Tohono O'odham Gaming**
21 **Enterprise to Utilize, Improve, Maintain, Operate, and Manage Desert Diamond**
22 **Sahuarita Property," effective January 1, 2015.**

23 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 22ND**
24 **day of DECEMBER, 2014 at a meeting at which a quorum was present with a vote of 2,031.3 FOR;**
25 **915.2 AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council**
26 **by Article VI; Section 1(e),1(f),1(i), and 1(l); Article XVI, Section 1 and Section 5 of the**
27 **Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on**
28 **January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs**
29 **(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

Timothy Joaquin

Timothy Joaquin, Legislative Chairman

23 day of December, 2014

ATTEST:

Evonne Wilson

Evonne Wilson, Legislative Secretary

23 day of December, 2014

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 23 day of December, 2014 at 4:50 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

Timothy Joaquin

Timothy Joaquin, Legislative Chairman

APPROVED

DISAPPROVED

on the 23 day of December, 2014

at 5:30 o'clock, p.m.

Ned Norris, Jr.

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

Returned to the Legislative Secretary on the 24 day of
December, 2014, at 10:39 o'clock, a.m.

Evonne Wilson

Evonne Wilson, Legislative Secretary

ACTION: APPROVING TRIBAL LAND ASSIGNMENT FOR DESERT DIAMOND SAHUARITA PROPERTY

MOVED: COUNCILMAN BILLMAN LOPEZ

SECOND: COUNCILWOMAN BARBARA HAVIER

DATE: DECEMBER 22, 2014

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 224.2	1. LUCINDA ALLEN (Nicholas Jose)	112.1	X			
	2. MARY LOPEZ ()	112.1	X			
SELLS 502.0	1. ARTHUR WILSON (Ophella Patten)	251.0		X		
	2. BARBARA HAVIER (Beverly Rivas)	251.0	X			
SCHUK TOAK 174.2	1. FRANCES B. STEPHENS (Anthony J. Rios)	87.1	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	87.1	X			
SAN XAVIER 224.2	1. HILARION CAMPUS (Daniel L.A. Preston, III)	112.1		X		
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	112.1		X		
SAN LUCY 219.6	1. DIANA MANUEL (Gloria Ramirez)	109.8		X		X
	2. JANA MONTANA ()	109.8		X		
PISINEMO 210.6	1. CHESTER ANTONE (Tony Murrletta)	105.3		X		X
	2. EDWARD MANUEL, SR. ()	105.3		X		
HICKIWAN 196.9	1. LOUIS R. LOPEZ ()	98.45	X			X
	2. SANDRA ORTEGA (Manuel Osequeda, Jr.)	98.45	X			
HIA CED 19.6	1. PATRICK ANDREWS (Janice E. Paul)	9.8		X		
	2. VIRGINIA GARCIA	9.8	X			
GU VO 241.0	1. GRACE MANUEL (Floyd Flores)	120.5	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	120.5	X			
GU ACHI 257.3	1. TIMOTHY L. JOAQUIN ()	128.65	X			
	2. LORETTA LEWIS (Louis Johnson)	128.65	X			
CHUKUT KUK 319.2	1. ETHEL GARCIA (Marlakay C. Henry)	159.6	X			
	2. BILLMAN LOPEZ ()	159.6	X			
BABOQUIVARI 357.7	1. FRANCES MIGUEL (Roberta Harvey)	178.85	X			
	2. VERNON J. SMITH (Gloria Zazueta)	178.85	X			
TOTAL		2,946.5	2,031.3	915.2	-0-	[03]