

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving Tribal Land Assignment for the West Valley Area)**

**RESOLUTION NO. 14-565**

1 **WHEREAS, in 1986, the United States Congress enacted the Gila Bend Indian Reservation**  
2 **Lands Replacement Act as Pub. L. No. 99-503 (the "Replacement Act"), which**  
3 **authorized the Nation to acquire new lands to replace lands damaged by the**  
4 **Painted Rock Dam and required the United States to hold eligible replacement**  
5 **lands in trust for the benefit of the Nation; and**

6 **WHEREAS, pursuant to Resolution No. 09-049, as amended by Resolution No. 09-397, the**  
7 **Legislative Council requested that the Secretary of the Interior acquire 134.88**  
8 **acres of real property (the "West Valley Area") in trust for the benefit of the**  
9 **Nation under the terms of the Replacement Act; and**

10 **WHEREAS, on July 3, 2014 the United States Department of the Interior issued a decision to**  
11 **acquire in trust on behalf of the Nation "Parcel 2," approximately 54 acres of**  
12 **land within the West Valley Area, and Parcel 2 is now held in trust by the United**  
13 **States for the benefit of the Nation and its members; and**

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

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

28 **WHEREAS, effective August 5, 2014, the Legislative Council by Resolution No. 14-318**  
29 **authorized the Gaming Enterprise to continue to utilize, improve, maintain,**

1                   **operate and manage the West Valley Area to carry out the purposes of the**  
2                   **Charter; and**

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

10                   **(Constitution of the Tohono O’odham Nation, Article XVI, Section 1); and**  
11       **WHEREAS,           it is in the Nation’s best interest to grant the Gaming Enterprise a tribal land**  
12                   **assignment for the national lands at the West Valley Area in accordance with the**  
13                   **existing assignment authority vested by Article VI, Section 1 and Article XVI,**  
14                   **Section 1 of the Constitution of the Tohono O’odham Nation; and**

15       **WHEREAS,           the Tribal Land Assignment for the West Valley Area, which is incorporated by**  
16                   **this reference, shall constitute a disposition authorized by the Legislative**  
17                   **Council, be non-exclusive in accordance with its terms, and have a term of six**  
18                   **years and 364 days; and**

19       **WHEREAS,           the Tribal Land Assignment for West Valley Area has been reviewed by the**  
20                   **Commerce, Budget and Finance, and Agricultural and Natural Resources**  
21                   **Committees, which recommend that it be approved.**

22       **NOW, THEREFORE, BE IT RESOLVED that the Tohono O’odham Legislative Council approves**  
23                   **the Tribal Land Assignment for West Valley Area in substantially the form**  
24                   **incorporated herein and authorizes and directs the Nation’s chairperson to**  
25                   **execute the Assignment.**

26       **BE IT FINALLY RESOLVED by the Tohono O’odham Legislative Council that the Tribal Land**  
27                   **Assignment for West Valley Area shall supersede and replace the terms of**  
28                   **Resolution No. 14-318, “Authorizing Tohono O’odham Gaming Enterprise to**  
29                   **Utilize, Improve, Maintain, Operate and Manage West Valley Resort Property,”**  
30                   **effective January 1, 2015 except as otherwise provided in the Assignment.**

**RESOLUTION NO. 14-565**  
**(Approving Tribal Land Assignment for the West Valley Area)**  
**Page 3 of 4**

1 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 22<sup>ND</sup>**  
2 **day of DECEMBER, 2014 at a meeting at which a quorum was present with a vote of 2,946.5 FOR;**  
3 **-0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council by**  
4 **Article VI; Section 1(e), 1(f), 1(i), and 1(l); Article XVI, Section 1 and Section 5 of the Constitution**  
5 **of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986;**  
6 **and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March**  
7 **6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).**  
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10 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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13 **Timothy Joaquin, Legislative Chairman**

14 23 day of December, 2014  
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19 **ATTEST:**

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22 **Evonne Wilson, Legislative Secretary**

23 23 day of December, 2014  
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27 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**  
28 **O'odham Nation on the 23 day of December, 2014 at 4:57 o'clock, P .m.,**  
29 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**  
30 **effective upon his approval or upon his failure to either approve or disapprove it within 48**  
31 **hours of submittal.**  
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33 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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36 **Timothy Joaquin, Legislative Chairman**

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42  **APPROVED**

on the 23 day of December, 2014

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44  **DISAPPROVED**

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

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48 **NED NORRIS, JR., CHAIRMAN**  
49 **TOHONO O'ODHAM NATION**  
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**RESOLUTION NO. 14-565**  
**(Approving Tribal Land Assignment for the West Valley Area)**  
**Page 4 of 4**

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

  
**Evonne Wilson, Legislative Secretary**

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ACTION: APPROVING TRIBAL LAND ASSIGNMENT FOR THE WEST VALLEY AREA

MOVED: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILMAN BILLMAN LOPEZ

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 (Ophelia 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			
	2. JANA MONTANA ( )	109.8	X			
PISINEMO 210.6	1. CHESTER ANTONE (Tony Murrietta)	105.3	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			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			
<b>TOTAL</b>		<b>2,946.5</b>	<b>2,946.5</b>	<b>-0-</b>	<b>-0-</b>	<b>[02]</b>