

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending Charter of the Gaming Enterprise Section 5)**

RESOLUTION NO. 21-278

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with**
2 **the authority to "authorize, charter and regulate public or private corporations**
3 **and associations" and to "provide for, appoint, or provide for the appointment of,**
4 **and prescribe the duties and powers of committees, boards, officers and agents"**
5 **(Constitution, Article VI, Section 1(e) and 1(b)); and**

6 **WHEREAS, by Resolution No. 93-311, the Legislative Council approved the charter of the**
7 **Tohono O'odham Gaming Authority, subsequently renamed as the Tohono**
8 **O'odham Gaming Enterprise (the "Gaming Enterprise"), as a wholly owned tribal**
9 **government enterprise that is responsible for operating the Nation's gaming**
10 **facilities and conducting gaming activities (Charter of the Gaming Enterprise**
11 **("Charter"), as amended, 16 Tohono O'odham Code Chapter 2); and**

12 **WHEREAS, Section 5 of the Charter establishes a seven-member Gaming Enterprise**
13 **Management Board that is vested with authority to "[e]xercise general authority**
14 **and responsibility for the management and operation of the Enterprise" and**
15 **perform additional functions (Charter, Section 5(a)(1) and 5(d)(1)); and**

16 **WHEREAS, the Management Board may adopt bylaws or rules governing its meetings**
17 **pursuant to Section 5(c)(4) and (d)(17) of the Charter; and**

18 **WHEREAS, although Section 5(c)(3) of the Charter provides that, "[t]he presence at any**
19 **meeting of four Directors shall constitute a quorum of the Management Board for**
20 **transaction of any business," only five Management Board Directors currently**
21 **hold office; and**

22 **WHEREAS, by Resolution No. 20-440 and Resolution No. 21-112, the Legislative Council**
23 **approved a temporary reduction in the Management Board's quorum**
24 **requirement to three Directors; and**

25 **WHEREAS, Resolution No. 21-112 directed the Commerce Committee, by August 13, 2021, to**
26 **"present to the Legislative Council Gaming Enterprise Charter amendments or**
27 **other actions necessary to ensure that the Management Board may transact**
28 **business"; and**

29 **WHEREAS, the Commerce Committee accordingly recommends amending Section 5(c)(3) of**
30 **the Charter to adjust the Management Board quorum as follows:**

- 31 **(3) Quorum. The presence at any meeting of four Directors shall constitute a**
32 **quorum of the Management Board for transaction of any business;**
33 **provided that if fewer than six Directors are holding office, the quorum**

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1 shall be three. The act of a majority of the Directors present and voting at
2 a meeting at which a quorum is present shall be the act of the Management
3 Board.

4 **NOW, THEREFORE, BE IT RESOLVED** by the Tohono O'odham Legislative Council that

5 (1) the Charter of the Gaming Enterprise, 16 Tohono O'odham Code Chapter
6 2, Section 5(c)(3), is amended as follows:

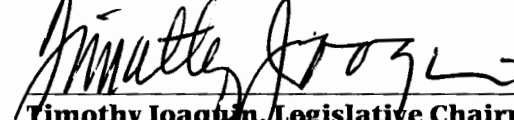
7 (3) Quorum. The presence at any meeting of four Directors shall
8 constitute a quorum of the Management Board for transaction of
9 any business; provided that if fewer than six Directors are holding
10 office, the quorum shall be three. The act of a majority of the
11 Directors present and voting at a meeting at which a quorum is
12 present shall be the act of the Management Board.

13 and;

14 (2) Resolution No. 21-112, which extended a temporary Management Board
15 quorum reduction until August 31, 2021, is repealed.

16 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11TH
17 day of AUGUST, 2021 at a meeting at which a quorum was present with a vote of 1,736.1 FOR;
18 1,481.9 AGAINST; [01] NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the
19 Council by Article VI, Section 1(b) and 1(e) of the Constitution of the Tohono O'odham Nation,
20 adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy
21 Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the
22 Act of June 18, 1934 (48 Stat.984).

23
24 TOHONO O'ODHAM LEGISLATIVE COUNCIL

25
26 
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28 Timothy Joaquin, Legislative Chairman
29
30 17 day of August, 2021

31
32 ATTEST:

33 
34
35 Evonne Wilson, Legislative Secretary

36
37 16 day of August, 2021
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39 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
40 O'odham Nation on the 16 day of August, 2021 at 9:47 o'clock, a.m.,
41 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
42 effective upon his approval or upon his failure to either approve or disapprove it within 48
43 hours of submittal.
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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

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APPROVED

on the 19 day of August, 2021

DISAPPROVED

at 4:06 o'clock, P.m.



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

Returned to the Legislative Secretary on the 20 day of
August, 2021, at 9:10 o'clock, a.m.



Evonne Wilson, Legislative Secretary

ACTION: AMENDING CHARTER OF THE GAMING ENTERPRISE SECTION 5

MOVED: COUNCILWOMAN JANICE FELIX

SECOND: VICE CHAIRWOMAN ALBERTA J. RAY

DATE: AUGUST 11, 2021

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 245.6	1. MARY LOPEZ (Ann M. Garcia)	122.8		X		X
	2. LUCINDA ALLEN (Francis Homewytewa)	122.8		X		
SELLS 556.5	1. ARTHUR WILSON ()	278.25	X			
	2. EVELYN JUAN-MANUEL (Arvada Liston)	278.25		X		
SCHUK TOAK 190.5	1. TERESA F. DONAHUE (Alberta Espinoza)	95.25	X			
	2. DELISA M. RAMON (Sharon A. Francisco)	95.25		X		
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III (Racheal Vilson-Stoner)	121.3	X			
	2. JANICE FELIX (Adam P. Andrews)	121.3	X			
SAN LUCY 243.8	1. JANA MONTANA (Lorraine M. Eiler)	121.9	X			
	2. ROGER MANUEL (Christina Andrews)	121.9	X		X	
PISINEMO 232.7	1. MARIETTA MARTIN ()	116.35		X		
	2. EDWARD D. MANUAL (Monica Morgan)	116.35		X		
HICKIWAN 216.6	1. LOUIS R. LOPEZ ()	108.3	X			
	2. SANDRA D. ORTEGA (Delma M. Garcia)	108.3	X			X
GU VO 270.7	1. GRACE MANUEL ()	135.35	X			
	2. CYNTHIA SAAVEDRA (Dallas Lewis)	135.35	X			
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN ()	139.25		X		
	2. VICTORIA HOBBS (Tonya L. Joaquin)	139.25		X		
CHUKUT KUK 351.6	1. MARLAKAY HENRY (Billman Lopez)	175.8		X		
	2. VIVIAN JUAN-SAUNDERS (Cornelius Antone)	175.8		X		
BABOQUIVARI 388.9	1. ALBERTA J. RAY (Frances G. Antone)	194.45	X			
	2. LEANDER MASE (Francine Schooling)	194.45	X			
TOTAL		3,218.0	1,736.1	1,481.9	[01]	[02]