

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

RESOLUTION NO. 21-467

1 **WHEREAS,** **The unallotted lands of the Tohono O'odham Nation and all lands hereafter**
2 **acquired by the nation, or held for the use of the nation or its members, are a**
3 **valuable public resource and shall be held as national lands forever. Control and**
4 **management thereof are vested in the Tohono O'odham Council, which may**
5 **enact laws governing the use, assignment, permit, lease or other disposition of**
6 **lands, interests in land and resources of the nation consistent with Federal law.**
7 **(Constitution of the Tohono O'odham Nation, Article XVI, Section 1); and**
8 **WHEREAS,** **the Tohono O'odham Gaming Enterprise (the "Gaming Enterprise") is a wholly**
9 **owned tribal government enterprise established pursuant to Article VI, Section**
10 **1(e) of the Nation's Constitution and is responsible for planning, constructing,**
11 **and operating the Nation's gaming facilities and conducting gaming activities**
12 **(Charter of the Gaming Enterprise ("Charter"), 16 Tohono O'odham Code Chapter**
13 **2); and**
14 **WHEREAS,** **Section 5(d)(6) of the Charter vests the Gaming Enterprise Management Board**
15 **with authority to "Utilize, improve, maintain, operate and manage, in the**
16 **ordinary course of business, all interests in real property held by the Enterprise,**
17 **including negotiation of leases or subleases of real property subject to approval**
18 **of the Legislative Council; provided however, that nothing in this Charter shall be**
19 **construed as authorizing the Enterprise to mortgage or encumber trust or**
20 **restricted real property of the Nation without the prior consent of the Legislative**
21 **Council"; and**
22 **WHEREAS,** **by Resolution No. 14-563, the Legislative Council approved the non-exclusive**
23 **Tribal Land Assignment for Desert Diamond Sahuarita Property authorizing the**
24 **Gaming Enterprise to operate a gaming facility and related amenities on**
25 **approximately 82.090 acres of unallotted national land located within the San**
26 **Xavier District in accordance with the assignment authority vested in the**
27 **Legislative Council by Article VI, Section 1 and Article XVI, Section 1 of the**
28 **Constitution of the Tohono O'odham Nation; and**
29 **WHEREAS,** **the Tribal Land Assignment for Desert Diamond Sahuarita Property became**
30 **effective January 1, 2015, has an initial term of six years and 364 days, and may be**
31 **renewed upon the same conditions and terms provided that the Enterprise gives**
32 **written notice of its desire to renew the Assignment at least 12 months before the**
33 **end of Assignment's term, the Enterprise is not in default, and the renewal is**

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1 approved by Legislative Council resolution (Tribal Land Assignment for Desert
2 Diamond Sahuarita Property, Section 3); and
3 **WHEREAS,** the Enterprise has provided notice of its desire to renew the Tribal Land
4 Assignment for Desert Diamond Sahuarita Property, is not in default, and the
5 Agricultural and Natural Resources and Commerce Committees recommend that
6 the Legislative Council approve the Assignment's renewal.
7 **NOW, THEREFORE, BE IT RESOLVED** by the Tohono O'odham Legislative Council that the Tribal
8 Land Assignment for Desert Diamond Sahuarita Property is renewed under the
9 same conditions and terms approved by Resolution No. 14-563 for an additional
10 term of six years and 364 days beginning December 31, 2021.

11 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 08TH
12 day of DECEMBER, 2021 at a meeting at which a quorum was present with a vote of 3,218.0 FOR;
13 -0- AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by,
14 Article VI, Section 1(e), 1(f), 1(i), and 1(l); Article XVI, Section 1 of the Constitution of the Tohono
15 O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by
16 the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant
17 to Section 16 of the Act of June 18, 1934 (48 Stat.984).

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19 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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23 Timothy Joaquin, Legislative Chairman
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25 13 day of December, 2021
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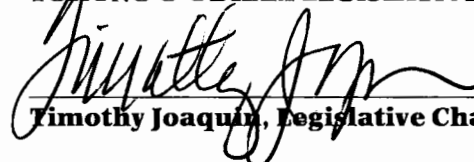
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28 ATTEST:

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31 Evonne Wilson, Legislative Secretary

32 13 day of December, 2021
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35 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
36 O'odham Nation on the 13 day of December, 2021 at 2:35 o'clock, P .m.,
37 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
38 effective upon his approval or upon his failure to either approve or disapprove it within 48
39 hours of submittal.
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42 TOHONO O'ODHAM LEGISLATIVE COUNCIL

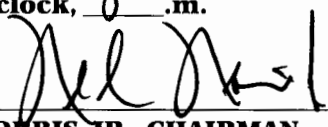
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46 Timothy Joaquin, Legislative Chairman

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APPROVED on the 13 day of December, 2021

DISAPPROVED at 3:38 o'clock, P.m.



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

Returned to the Legislative Secretary on the 13 day of
December, 2021, at 4:04 o'clock, P.m.



Evonne Wilson, Legislative Secretary

ACTION: APPROVING RENEWAL OF TRIBAL LAND ASSIGNMENT FOR DESERT DIAMOND SAHUARITA PROPERTY

MOVED: COUNCILMAN JANICE FELIX

SECOND: COUNCILWOMAN MARLAKAY HENRY

DATE: DECEMBER 08, 2021

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF ODAK 245.6	1. MARY LOPEZ (<i>Absent</i>)	122.8	X			
	(Ann M. Garcia) (<i>Present</i>)					
	2. LUCINDA ALLEN (<i>Absent</i>)	122.8	X			
	(Francis Homewytewa) (<i>Present</i>)					
SELLS 556.5	1. ARTHUR WILSON	278.25	X			
	()					
	2. EVELYN JUAN-MANUEL	278.25	X			
	(Arvada Liston)					
SCHUK TOAK 190.5	1. TERESA F. DONAHUE	95.25	X			
	(Alberta Espinoza)					
	2. DELISA M. RAMON (<i>Absent</i>)	95.25	X			
	(Sharon A. Francisco) (<i>Present</i>)					
SAN XAVIER 242.6	1. DANIEL L.A. PRESTON III	121.3	X			
	(Racheal Vilson-Stoner)					
	2. JANICE FELIX	121.3	X			
	(Adam P. Andrews)					
SAN LUCY 243.8	1. JANA MONTANA	121.9	X			X
	(Lorraine M. Eiler)					
	2. ROGER MANUEL	121.9	X			
	(Christina Andrews)					
PISINEMO 232.7	1. MARIETTA MARTIN	116.35	X			
	()					
	2. EDWARD D. MANUEL	116.35	X			
	(Monica Morgan)					
HICKIWAN 216.6	1. LOUIS R. LOPEZ	108.3	X			
	()					
	2. SANDRA D. ORTEGA	108.3	X			
	(Delma M. Garcia)					
GU VO 270.7	1. GRACE MANUEL	135.35	X			
	()					
	2. CYNTHIA SAAVEDRA	135.35	X			
	(Dallas Lewis)					
GU ACHI 278.5	1. TIMOTHY L. JOAQUIN	139.25	X			
	()					
	2. VICTORIA HOBBS	139.25	X			
	(Tonya L. Joaquin)					
CHUKUT KUK 351.6	1. MARLAKAY HENRY	175.8	X			
	(Billman Lopez)					
	2. VIVIAN JUAN-SAUNDERS	175.8	X			
	(Cornelius Antone)					
BABOQUIVARI 388.9	1. ALBERTA J. RAY	194.45	X			
	(Frances G. Antone)					
	2. LEANDER MASE	194.45	X			
	(Francine Schooling)					
TOTAL		3,218.0	3,218.0	-0-	-0-	[01]