

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing Request for Indian Lands Opinion)

RESOLUTION NO. 11-119

- 1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to administer land**
2 **and to consult with "appropriate federal agencies regarding federal activities that**
3 **affect the Tohono O'odham Nation" (Constitution of the Tohono O'odham Nation,**
4 **Article VI, Section 1(i) and 1(j)); and**
- 5 **WHEREAS, in 1986, the United States Congress enacted the Gila Bend Indian Reservation Lands**
6 **Replacement Act to "facilitate replacement of reservation lands with lands suitable**
7 **for sustained economic use which is not principally farming and do not require**
8 **Federal outlays for construction, and promote the economic self-sufficiency of the**
9 **O'odham Indian people." (Gila Bend Indian Reservation Lands Replacement Act, Pub.**
10 **L. 99-503, subsection 2(4)); and**
- 11 **WHEREAS, under the terms of the Gila Bend Indian Reservation Lands Replacement Act, the**
12 **Tohono O'odham Nation is authorized to acquire replacement lands that the**
13 **Secretary of the Interior "shall hold in trust for the benefit" of the Nation (Pub. L. 99-**
14 **503, subsection 6(d)); and**
- 15 **WHEREAS, in 2003 the Nation purchased 134.88 acres of contiguous land in unincorporated**
16 **Maricopa County, situated at the southwest corner of 91st Avenue and Northern**
17 **Avenue, near Glendale and Peoria, Arizona (the "Settlement Property") to replace Gila**
18 **Bend Indian Reservation lands; and**
- 19 **WHEREAS, in 2009 the Nation requested that the Secretary of the Interior take a portion of the**
20 **Settlement Property ("Parcel 2") into trust under the terms of the Gila Bend Indian**
21 **Reservation Lands Replacement Act; and**
- 22 **WHEREAS, on June 23, 2010, the Department of the Interior issued its final determination that**
23 **acquisition of Parcel 2 in trust is mandated by the Gila Bend Indian Reservation Lands**
24 **Replacement Act; and**
- 25 **WHEREAS, the Department of the Interior is not required to determine whether land is eligible**
26 **for gaming before acquiring it in trust under the Gila Bend Indian Reservation Lands**
27 **Replacement Act; and**
- 28 **WHEREAS, it is in the best interest of the Nation that the Department of the Interior issue an**
29 **opinion that Parcel 2 was acquired as the settlement of a land claim, and therefore is**
30 **excepted from IGRA's general prohibition on gaming on lands acquired after the date**
31 **of enactment of IGRA; and**

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1 **WHEREAS, it also is in the best interest of Nation that the National Indian Gaming Commission,**
2 **approve a tribal gaming ordinance or ordinance amendment specifically identifying**
3 **Parcel 2 as a site on which gaming will take place.**

4 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council hereby**
5 **authorizes the Nation's Chairperson, in consultation with the Economic Development**
6 **Delegation, to request that the Department of the Interior issue an opinion that Parcel**
7 **2 was acquired as the settlement of a land claim, and therefore is excepted from IGRA's**
8 **general prohibition on gaming on lands acquired after the date of enactment of IGRA.**

9 **BE IT FINALLY RESOLVED that the Tohono O'odham Legislative Council authorizes the Nation's**
10 **Chairperson, Economic Development Delegation, and Office of the Attorney General**
11 **to take all necessary actions to carry out the intent of this resolution.**

12 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 24TH Day**
13 **of MARCH, 2011 at a meeting at which a quorum was present with a vote of 2,595.50 FOR; -0-**
14 **AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Article**
15 **VI, Section 1 (i) and (j) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono**
16 **O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
17 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
18 **Stat. 984).**

19 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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23 **Verlon M. Jose, Legislative Chairman**

24
25 25 day of March, 2011

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27 **ATTEST:**

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29 _____
30 **Evonne Wilson, Legislative Secretary**

31
32 25 day of March, 2011.

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34 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham**
35 **Nation on the 25 day of March, 2011 at 3:19 o'clock, P.M.,**
36 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
37 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
38 **submittal.**

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40 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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44 **Verlon M. Jose, Legislative Chairman**

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APPROVED

on the 28 day of March, 2011

DISAPPROVED

at 3:13 o'clock, P.M.



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

Returned to the Legislative Secretary on the 28 day of

March, 2011, at 3:22 o'clock, P.M.



Evonne Wilson, Legislative Secretary

ACTION: AUTHORIZING REQUEST FOR INDIAN LANDS OPINION

MOVED: COUNCILWOMAN EVELYN JUAN MANUEL

SECOND: COUNCILWOMAN LORRAINE EILER

DATE: MARCH 24, 2011

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 198.7	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			
	2. MARY LOPEZ ()	99.35	X			X
SELLS 449.6	1. KIMBERLY MULL ()	224.80	X			
	2. EVELYN B. JUAN MANUEL ()	224.80	X			
SCHUK TOAK 159.0	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
SAN XAVIER 204.7	1. FELICIA NUÑEZ ()	102.35	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35	X			
SAN LUCY 187.1	1. LORRAINE EILER ()	93.55	X			
	2. GLORIA RAMIREZ ()	93.55	X			X
PISINEMO 184.5	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X			
HICKIWAN 174.5	1. MICHELLE ORTEGA ()	87.25	X			
	2. SANDRA ORTEGA ()	87.25	X			X
GU VO 206.3	1. GRACE MANUEL ()	103.15	X			
	2. PAMELA ANGHILL (Angela Ortiz)	103.15	X			
GU ACHI 230.1	1. TIMOTHY L. JOAQUIN ()	115.05	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	115.05	X			
CHUKUT KUK 277.0	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ()	138.50	X			
BABOQUIVARI 324.0	1. FRANCES MIGUEL (Roberta Harvey)	162.0	X			X
	2. FRANCES G. ANTONE (Vernon Smith)	162.0	X			
TOTAL		2,595.50	2,595.50	-0-	-0-	[04]