

RESOLUTION NO. 4246 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, EXPRESSING THE CITY'S OPPOSITION TO THE CREATION OF AN INDIAN RESERVATION ON A PARCEL WITHIN THE GLENDALE MUNICIPAL PLANNING AREA.

WHEREAS, in 2003 the Tohono O'odham Nation, using an unassociated name and distant mailing address, purchased approximately 134 acres generally located at the southwest corner of 91<sup>st</sup> and Northern Avenues (the "Proposed Reservation Land");

WHEREAS, the Proposed Reservation Land is outside of the Tohono O'odham Nation's existing reservation and outside the Tohono O'odham Nation's aboriginal lands;

WHEREAS, the Proposed Reservation Land is surrounded by the City of Glendale and is therefore within the exterior boundaries of the City;

WHEREAS, the Tohono O'odham Nation has now submitted an application to the Bureau of Indian Affairs to have the Proposed Reservation Land taken into trust by the U.S. Government and held for the benefit of the Tohono O'odham Nation in order for the Nation to conduct gaming activity on the land;

WHEREAS, the Tohono O'odham Nation has asserted that the transfer of the Proposed Reservation Land into trust and the creation of an Indian Reservation at this location must be done by the Secretary of the Department of Interior without his exercising any discretion or consideration of the factors set forth in duly adopted federal regulations or Bureau of Indian Affairs rules and guidelines applicable to such requests;

WHEREAS, the Tohono O'odham Nation has asserted that the State of Arizona, the County of Maricopa, the City of Glendale, any other governmental authority and the community are precluded from participating in the Secretary of the Interior's consideration of its application for the creation of an Indian Reservation on the Proposed Reservation Land;

WHEREAS, the City believes that the Tohono O'odham Nation's assertions and the basis upon which it makes these assertions are incorrect, poor public policy, in violation of the governmental rights, privileges, and authority of the State of Arizona, the County of Maricopa, and the City of Glendale, and are contrary to the best interests of the Citizens of the State of Arizona, the County of Maricopa, and the City of Glendale; and

WHEREAS, the City of Glendale, consistent with the Indian tribes voicing opposition to the Tohono O'odham Nation's application, opposes off-reservation gaming, including this current effort by the Tohono O'odham Nation to establish gaming on the Proposed Reservation Land, as contrary to the terms of Proposition 202 as presented to the people of the State of Arizona in 2002 and supported by, among others, the Tohono O'odham Nation.

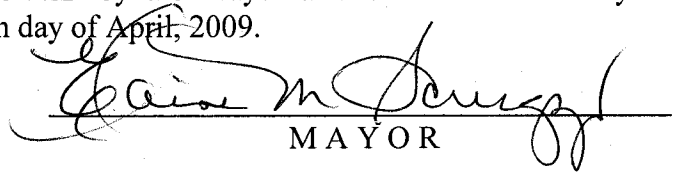
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That the Glendale City Council opposes the Tohono O'odham Nation's application filed with the Secretary of the Interior and the Bureau of Indian Affairs to have the Proposed Reservation Land taken into trust by the U.S. Government.

SECTION 2. That the Glendale City Council opposes the Tohono O'odham Nation's application filed with the Secretary of the Interior and the Bureau of Indian Affairs to have the Proposed Reservation Land approved as land available for gaming.

SECTION 3. That the Glendale City Council directs the City Manager and City Attorney to take all reasonable, necessary and prudent actions to oppose the Tohono O'odham Nation's application filed with the Secretary of the Interior and the Bureau of Indian Affairs in order to protect the City's rights and to assure that the best interests of the Citizens of the City of Glendale, the County of Maricopa, and the State of Arizona are fairly and fully addressed.

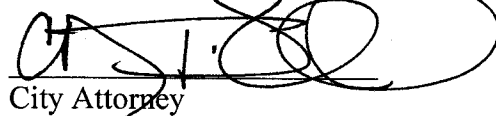
PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 7th day of April, 2009.

  
MAYOR

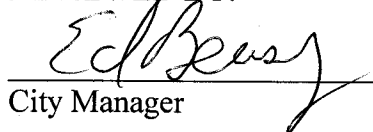
ATTEST:

  
City Clerk (SEAL)

APPROVED AS TO FORM:

  
City Attorney

REVIEWED BY:

  
City Manager