

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Exempting the Tohono O'odham Gaming Authority from the provisions of Article III,
Sections (2) and (4) of Ordinance 05-82, and adopting regulations pursuant to
Article IV, Section 2(K) of Ordinance 05-82)

RESOLUTION NO. 01-119

- 1 **WHEREAS, on April 06, 1982, the Papago Tribal Council enacted the Alcoholic Beverages**
2 **Licensing and Control Ordinance as Ordinance Number 05-82 (the "Ordinance") for**
3 **the regulation of the introduction, sale, possession and consumption of alcoholic**
4 **beverages within the exterior boundaries of the Nation; and**
- 5 **WHEREAS, in accordance with 18 U.S.C. § 1161, the United States Secretary of the Interior**
6 **published on October 27, 1982, in the Federal Register his approval of the Ordinance**
7 **(47 Fed.Reg. 47687); and**
- 8 **WHEREAS, by Resolution No. 93-311, the Legislative Council adopted the Charter of the Tohono**
9 **O'odham Gaming Authority as the entity of the Nation charged with developing,**
10 **operating and maintaining the Nation's gaming facilities; and**
- 11 **WHEREAS, pursuant to its Charter, the Gaming Authority is obligated to conduct its operations**
12 **to produce the maximum economic return to the Nation; and**
- 13 **WHEREAS, the Gaming Authority recommends that it be authorized to offer spirituous liquors**
14 **for sale to patrons of the Nation's gaming facilities located within Districts which**
15 **have sanctioned pursuant to Article I, Section 4 of the Ordinance, the introduction,**
16 **sale, possession and consumption of spirituous liquors within the boundaries of a**
17 **sanctioning District; and**
- 18 **WHEREAS, it is in the interests of the Nation, consistent with the provisions of Article VII, Section**
19 **1 of the Ordinance, to authorize the Gaming Authority to offer spirituous liquors for**
20 **sale to patrons of the Nation's gaming facilities located in sanctioning Districts and**
21 **to exempt the Gaming Authority from the provisions of Article III, Sections (2) and (4)**
22 **of the Ordinance which require licensing by the commission and purchasing from**
23 **stores established by the commission; and**
- 24 **WHEREAS, the Legislative Council finds that the above-stated exemption from the provisions of**
25 **Article III, Sections (2) and (4) of the Ordinance does not impair or interfere with the**
26 **administration by the commission of the regulation of spirituous liquors in**
27 **accordance with the Ordinance; and**

RESOLUTION NO. 01-119

(Exempting the Tohono O'odham Gaming Authority from the provisions of Article III, Sections (2) and (4) of Ordinance 05-82, and adopting regulations pursuant to Article IV, Section 2(K) of Ordinance 05-82)

Page 2 of 3

1 **WHEREAS, in furtherance of the exercise under the Ordinance to authorize the Gaming Authority**
2 **to offer spirituous liquors for sale at the premises of gaming facilities, it is also in the**
3 **interests of the Nation to adopt pursuant to Article VII, Section 2(K) the regulations**
4 **appended hereto and incorporated herein by this reference as though set forth here**
5 **in their entirety.**

6 **NOW, THEREFORE, BE IT RESOLVED THAT:**

- 7 **1. The provisions of Article III, Sections (2) and (4), of the Ordinance shall not apply**
8 **to the Tohono O'odham Gaming Authority with respect to its sale of spirituous**
9 **liquors in the original container and in individual portions for consumption on**
10 **the premises of gaming facilities operated by the Gaming Authority within a**
11 **sanctioning District. If the Gaming Authority sells spirituous liquors, it**
12 **nonetheless shall comply with all regulations adopted under the Ordinance**
13 **applicable to on-sale retailers.**
- 14 **2. The regulations attached to this resolution as Exhibit A are adopted as regulations**
15 **of the Nation's Liquor Licenses and Control Commission under Article IV, Section**
16 **2(K), of the Ordinance.**

17 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09TH Day**
18 **of MARCH, 2001 at a meeting at which a quorum was present with a vote of 1,206.8 FOR; 958.7**
19 **AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by**
20 **Section 1 (c)(1) & (6), (l) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by**
21 **the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
22 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
23 **18, 1934 (48 Stat. 984).**

24
25 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

26
27
28 
29 **Dennis Ramon, Legislative Chairman**

30
31 13th day of March, 20 01
32
33

RESOLUTION NO. 01-119

(Exempting the Tohono O'odham Gaming Authority from the provisions of Article III, Sections (2) and (4) of Ordinance 05-82, and adopting regulations pursuant to Article IV, Section 2(K) of Ordinance 05-82)

Page 3 of 3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

ATTEST:

Almire M. Saraficio for
Julianna Saraficio, Acting Legislative Secretary

09 day of March, 20 01.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 13th day of March, 20 01 at 3:50 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

[Signature]
Dennis Ramon, Legislative Chairman

APPROVED on the _____ day of _____, 20 _____

DISAPPROVED at _____ o'clock, ____M.

EXCEEDED 48 HOURS

EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 15th day of

March, 20 01, at 4:06^{day} o'clock, P.M.

Almire M. Saraficio for
Julianna Saraficio, Acting Legislative Secretary

ACTION: EXEMPTING THE TOHONO O'ODHAM GAMING AUTHORITY FROM THE PROVISIONS OF ARTICLE III, SECTIONS (2) AND (4) OF ORDINANCE 05-82, AND ADOPTING REGULATIONS PURSUANT TO ARTICLE IV, SECTION 2(K) OF ORDINANCE 05-82

MOVED: COUNCILWOMAN MARY ANN ANTONE

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: MARCH 09, 2001

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 171.8	1. MARY ANN ANTONE (Darlene Andrew)	85.9	X			
	2. RITA MARTINEZ (Nicholas Jose)	85.9	X			
SELLS 372.7	1. DENNIS E. JOSE ()	186.35		X		
	2. EVELYN JUAN ()	186.35		X		
SCHUK TOAK 133.4	1. MARY FLORES ()	66.7		X		
	2. AMBROSE ENCINAS ()	66.7		X		X
SAN XAVIER 165.9	1. TONY BURRELL ()	82.95	X			
	2. DENNIS RAMON ()	82.95	X			
BABOQUIVARI 286.5	1. FRANCES MIGUEL ()	143.25	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	143.25	X			X
GU ACHI 209.6	1. CAMILLUS LOPEZ (Louis Johnson)	104.8		X		
	2. ALEX J. RAMON ()	104.8	X			
PISINEMO 156.8	1. BARBARA SALVICIO (Alex Antone)	78.4	X			
	2. JOHNSON JOSE ()	78.4		X		
SAN LUCY 128.1	1. ALBERT MANUEL, JR. ()	64.05	X			X
	2. GLORIA RAMIREZ ()	64.05	X			
GU VO 160.0	1. FERN SALCIDO ()	80.0	X			X
	2. GLORIA MONTANA (Phillip Antone)	80.0	X			
HICKIWAN 158.1	1. SHIRLEY MOLINA ()	79.05		X		
	2. LLOYD FRANCISCO (Susan Sam)	79.05		X		
CHUKUT KUK 222.6	1. KENNETH WILLIAMS ()	111.3	X			
	2. DAVID GARCIA (Mary Audrey Juan)	111.3		X		X
TOTAL		2,165.5	1,206.8	958.7	-0-	[04]

****PASSED VOTES**