

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Authorizing the execution of Addenda to Compact Appendix A.)**

**RESOLUTION NO. 01-412**

- 1 **WHEREAS, the Tohono O'odham Nation -- State of Arizona Gaming Compact, executed on June 24,**  
2 **1993 and approved by the Secretary of Interior on July 30, 1993, provides at Section**  
3 **3(b)(1) for an appendix of technical standards for the electronic games of chance**  
4 **offered at the Nation's gaming facilities; and**
- 5 **WHEREAS, the Nation and the State agreed on the content of the technical standards appendix**  
6 **(Compact Appendix A) at the time the Gaming Compact was executed in 1993; and**
- 7 **WHEREAS, the Tohono O'odham Gaming Authority intends to offer coinless/cashless gaming**  
8 **devices at the new Desert Diamond Gaming Facility in San Xavier District; and**
- 9 **WHEREAS, the State of Arizona, through its Department of Gaming, has requested that Compact**  
10 **Appendix A be amended to add provisions which specifically address a**  
11 **coinless/cashless gaming device operation by adding provisions to the technical**  
12 **standards as well as adding minimum internal control standards specific to**  
13 **coinless/cashless gaming devices; and**
- 14 **WHEREAS, Compact Section 3(b)(3) provides in pertinent part that an appendix to the Compact**  
15 **may be amended by mutual agreement of the parties and that "A change in or the**  
16 **addition of an appendix shall not be considered an amendment to the Compact"; and,**
- 17 **WHEREAS, the Nation's Gaming Office has attempted to negotiate a mutually acceptable**  
18 **Addendum to Compact Appendix A, and mutually acceptable changes to the minimum**  
19 **internal control standards approved by the Gaming Office in accordance with**  
20 **Compact Section 11 and Section 1305 of the Nation's Gaming Ordinance, with the State**  
21 **but has been unable to do so; and**
- 22 **WHEREAS, the terms of the State's proposed addenda are inconsistent with the provisions of the**  
23 **February 5, 1999 Settlement Agreement entered into by the Nation and the State which**  
24 **resolved disputes in litigation in the case captioned State of Arizona v. Tohono**  
25 **O'odham Nation, Case No. CV 96-737 TUC-FRZ; and**
- 26 **WHEREAS, the State of Arizona and the Nation agreed in the Settlement Agreement that the**  
27 **Nation's Gaming Office will establish the minimum internal control standards for the**  
28 **Nation's gaming operations in accordance with Compact Section 11, but the State's**  
29 **proposed Addendum to Compact Appendix A nonetheless would allow the State to**

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**(Authorizing the execution of Addenda to Compact Appendix A.)**

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1                   **establish certain minimum internal controls relating to coinless/cashless gaming**  
2                   **devices; and**

3 **WHEREAS, the State has said that it “cannot in good faith authorize the installation of a cashless**  
4                   **ticket system without an Addendum to the Compact that includes both technical and**  
5                   **internal control standards” the State desires; and**

6 **WHEREAS, the State has proposed that “to facilitate the timely opening of [the Nation's] new**  
7                   **facility”, the Nation should agree to the State's proposed Addendum to Compact**  
8                   **Appendix A without further negotiation or modification, with the understanding that**  
9                   **any disputes regarding the State's proposed Addendum can be resolved after the new**  
10                   **gaming facility opens, through arbitration under the dispute resolution provisions of**  
11                   **the Settlement Agreement and Compact Section 15; and**

12 **WHEREAS, the State also has said that if “the Nation prevails in the arbitration, the Addendum**  
13                   **will be revised accordingly”; and**

14 **WHEREAS, there is insufficient time before the opening of the new Desert Diamond Gaming**  
15                   **Facility to resolve the disputes with the State under the dispute resolution provisions**  
16                   **of the Settlement Agreement and Compact Section 15; and**

17 **WHEREAS, the State apparently will seek to interfere with the opening of the new Desert Diamond**  
18                   **Gaming Facility if the Nation does not promptly execute the State's proposed Addenda**  
19                   **to Compact Appendix A; and**

20 **WHEREAS, the State has agreed to resolve these disputes through arbitration under the dispute**  
21                   **resolution provisions of the Settlement Agreement and Compact Section 15 after the**  
22                   **opening of the new Desert Diamond Gaming Facility and to abide by the arbitration**  
23                   **decision.**

24 **NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Nation is authorized to execute**  
25                   **addenda to Compact Appendix A as negotiated by the Gaming Office and upon the**  
26                   **recommendation of the Gaming Office.**

27 **BE IT FURTHER RESOLVED that the Chairman of the Nation and the Executive Director of the**  
28                   **Gaming Office, in consultation with the Commerce Committee and the Nation's**  
29                   **Attorney General, are authorized to take necessary steps in accordance with the**  
30                   **dispute resolution provisions of the Settlement Agreement to resolve disputes with**

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ADOG over the coinless/cashless addenda to Compact Appendix A, consistent with the Settlement Agreement and the Compact.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 17<sup>TH</sup> Day of JULY, 2001 at a meeting at which a quorum was present with a vote of 2,323.35 FOR; 94.15 AGAINST; -0- NOT VOTING; and [06] ABSENT, pursuant to the powers vested in the Council by Section 1 (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

*Cecilia Lopez for*  
Rita A. Martinez, Legislative Chairwoman

17<sup>th</sup> day of July, 20 01

ATTEST:

*Juliana Saraficio*  
Juliana Saraficio, Acting Legislative Secretary

17<sup>th</sup> day of July, 20 01.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 17<sup>th</sup> day of July, 20 01 at 5:12 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

*Cecilia Lopez for*  
Rita A. Martinez, Legislative Chairwoman

APPROVED

on the 17<sup>th</sup> day of July, 20 01

DISAPPROVED


at 5:18 o'clock, P.M.

*Edward D. Manuel*  
EDWARD D. MANUEL, Chairman  
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 17<sup>th</sup> day of  
July, 2001, at 5:20 o'clock, P.M.

  
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Julianna Saraffio, Acting Legislative Secretary

**ACTION: AUTHORIZING THE EXECUTION OF ADDENDA TO COMPACT APPENDIX A.**

**MOVED: COUNCILMAN DENNIS RAMON**

**SECOND: COUNCILWOMAN FRANCES MIGUEL**

**DATE: JULY 17, 2001**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>CHUKUT KUK 248.1</b>	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			
	2. DAVID GARCIA (Mary Audrey Juan)	124.05	X			
<b>HICKIWAN 167.3</b>	1. SHIRLEY MOLINA ( )	83.65	X			
	2. SANDRA ORTEGA ( )	83.65	X			X
<b>GU VO 188.3</b>	1. FERN SALCIDO ( )	94.15		X		
	2. EMILIO LEWIS (Michael Flores)	94.15	X			
<b>SAN LUCY 160.7</b>	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35	X			
	2. GLORIA RAMIREZ ( )	80.35	X			X
<b>PISINEMO 174.7</b>	1. BARBARA SALVICIO (Alex Antone)	87.35	X			
	2. PATRICIA CRUZ (Johnson Jose)	87.35	X			
<b>GU ACHI 230.7</b>	1. CAMILLUS LOPEZ ( )	115.35	X			
	2. ALEX J. RAMON (Jerome Joaquin)	115.35	X			X
<b>BABOQUIVARI 317.7</b>	1. FRANCES MIGUEL ( )	158.85	X			
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			
<b>SAN XAVIER 184.7</b>	1. TONY BURRELL ( )	92.35	X			X
	2. DENNIS RAMON ( )	92.35	X			
<b>SCHUK TOAK 144.5</b>	1. MARY FLORES ( )	72.25	X			
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25	X			X
<b>SELLS 416.1</b>	1. DENNIS E. JOSE ( )	208.05	X			
	2. EVELYN JUAN ( )	208.05	X			
<b>SIF OIDAK 184.7</b>	1. ISIDRO LOPEZ ( )	92.35	X			
	2. RITA A. MARTINEZ (Nicholas Jose)	92.35	X			X
<b>TOTAL</b>		<b>2,417.5</b>	<b>2,323.35</b>	<b>94.15</b>	<b>-0-</b>	<b>[06]</b>

**\*\*PASSED VOTES**