

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Tribal-State Gaming Compact)

RESOLUTION NO. 02-539

- 1 **WHEREAS, by Resolution No. 93-225, the Legislative Council approved the 1993 Tribal-State**
2 **Gaming Compact with the State of Arizona; and**
- 3 **WHEREAS, the initial term of the 1993 Compact ends August 18, 2003; and**
- 4 **WHEREAS, by Resolution No. 01-523, the Legislative Council authorized the Tohono O'odham**
5 **Nation Gaming Negotiating Committee to negotiate a gaming compact with the State**
6 **of Arizona on behalf of the Nation to ensure the continued operation of the Nation's**
7 **gaming facilities beyond August 18, 2003; and**
- 8 **WHEREAS, pursuant to Resolution No. 01-523, and in cooperation with the Arizona Indian**
9 **Gaming Association, the Nation's Gaming Negotiating Committee negotiated the**
10 **terms of a tribal-state gaming compact with the Governor of Arizona that would**
11 **extend the duration of the 1993 Compact; and**
- 12 **WHEREAS, the United States District Court ruled in July 2001, in the case styled *American***
13 ***Greyhound Racing, Inc. v. Hull*, (Case No. CV-00-2388-PHX-RCB), that the Governor**
14 **was not authorized under State law to enter into new or amended tribal-state gaming**
15 **compacts because the statute authorizing her to do so was an unconstitutional**
16 **delegation of authority under State law; and**
- 17 **WHEREAS, the Arizona State Legislature failed in the Fourth Special Session of the Forty-Fifth**
18 **Legislature to approve new legislation delegating authority to the Governor to enter**
19 **into tribal-state gaming compacts; and**
- 20 **WHEREAS, the Arizona Indian Gaming Association approved funding an initiative campaign to**
21 **ask the registered voters within the State of Arizona to enact State law delegating**
22 **authority to the Governor to enter into tribal-state gaming compacts and directing**
23 **the Governor to enter into on behalf of the State of Arizona a new tribal-state gaming**
24 **compact with any tribe that requests the new standard form tribal-state gaming**
25 **compact set forth in the initiative; and**
- 26 **WHEREAS, the initiative supported by the Arizona Indian Gaming Association was placed on the**
27 **November 2002 Arizona State ballot as Proposition 202; and**
- 28 **WHEREAS, the terms of the new standard form tribal-state gaming compact set forth in**
29 **Proposition 202 are substantially similar to the terms negotiated with the Governor**
30 **and presented to the Forty-Fifth Arizona Legislature; and**

RESOLUTION NO. 02-539
(Approving a Tribal-State Gaming Compact)
Page 2 of 3

1 **WHEREAS, prior to the November 5, 2002 election on Proposition 202, the United States Court of**
2 **Appeals for the Ninth Circuit ordered that the injunction entered by the United States**
3 **District Court be vacated and that the case be remanded to the District Court with**
4 **instructions to dismiss the lawsuit; and**

5 **WHEREAS, the plaintiffs in the District Court case have sought review of the Ninth Circuit Court**
6 **of Appeals's order, thereby delaying the effective date of that order; and**

7 **WHEREAS, although the results of the November 5, 2002 election on Proposition 202 are not yet**
8 **final, the Nation's Gaming Negotiating Committee anticipates that Proposition 202**
9 **will be approved by a majority of the Arizona voters, thereby authorizing the**
10 **Governor under State law to enter into a new standard form tribal-state gaming**
11 **compact with the Nation; and**

12 **WHEREAS, the Nation's Gaming Negotiating Committee recommends pursuant to Resolution No.**
13 **01-523 that, upon passage of Proposition 202, the Nation enter into the new tribal-**
14 **state gaming compact in the form set forth in Proposition 202.**

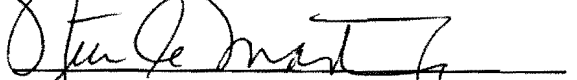
15 **NOW, THEREFORE, BE IT RESOLVED THAT:**

- 16 **1. The Legislative Council accepts the recommendation of the Nation's Gaming**
17 **Negotiating Committee and approves the new standard form of tribal-state**
18 **gaming compact set forth in Proposition 202. The document attached hereto sets**
19 **forth the new standard form of the tribal-state gaming compact for the Nation.**
- 20 **2. The Legislative Council authorizes and directs the Nation's Chairman, upon**
21 **passage of Proposition 202, to timely execute on behalf of the Tohono O'odham**
22 **Nation a new standard form of tribal-state gaming compact.**
- 23 **3. In the event Proposition 202 is not approved by a majority of the Arizona voters,**
24 **then the Nation's Gaming Negotiating Committee shall submit to the Legislative**
25 **Council for final approval in accordance with Resolution No. 01-523 its**
26 **recommendation for a negotiated compact or other measure by which Class III**
27 **gaming may be conducted within the Nation.**

28 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07TH Day**
29 **of NOVEMBER, 2002 at a meeting at which a quorum was present with a vote of 1,837.4 FOR; -0-**
30 **AGAINST; 580.1 NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
31 **Section 1 (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**
32 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
33 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
34 **Stat. 984).**

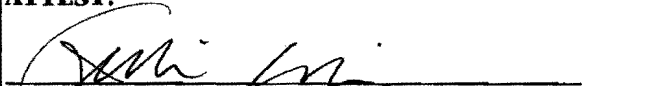
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Rita A. Martinez, Legislative Chairwoman

14th day of November, 20 02

ATTEST:


Julianna Saraficio, Acting Legislative Secretary


07 day of November, 20 02.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 14th day of November, 20 02 at 3:09 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.

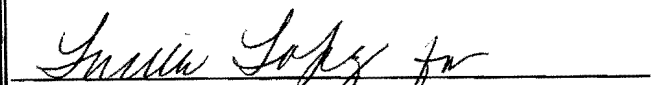
TOHONO O'ODHAM LEGISLATIVE COUNCIL


Rita A. Martinez, Legislative Chairwoman

APPROVED on the 18 day of November, 20 02
 DISAPPROVED at 10:17 o'clock, A.M.


EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 18th day of
November, 20 02, at 2:09 o'clock, P.M.


Julianna Saraficio, Acting Legislative Secretary

ACTION: APPROVING A TRIBAL-STATE GAMING COMPACT

MOVED: COUNCILWOMAN FERN SALCIDO

SECOND: COUNCILMAN ISIDRO LOPEZ

DATE: NOVEMBER 07, 2002

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 317.7	1. FRANCES MIGUEL ()	158.85	X			
	2. FRANCES G. ANTONE** (Lucilda Norris-Valenzuela)	158.85	X			
CHUKUT KUK 248.1	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			X
	2. DAVID GARCIA (Mary Audrey Juan)	124.05	X			
GU ACHI 230.7	1. CAMILLUS LOPEZ ()	115.35	X			
	2. JEROME JOAQUIN ()	115.35	X			
GU VO 188.3	1. FERN SALCIDO ()	94.15	X			
	2. EMILIO LEWIS (Michael Flores)	94.15	X			
HICKIWAN 167.3	1. SHIRLEY MOLINA ()	83.65			X	
	2. SANDRA ORTEGA ()	83.65	X			
PISINEMO 174.7	1. BARBARA SALVICIO (Alex Antone)	87.35	X			X
	2. PATRICIA CRUZ (Johnson Jose)	87.35	X			
SAN LUCY 160.7	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35	X			
	2. GLORIA RAMIREZ ()	80.35			X	
SAN XAVIER 184.7	1. FELICIA NUÑEZ ()	92.35	X			
	2. DENNIS RAMON ()	92.35	X			
SCHUK TOAK 144.5	1. MARY FLORES ()	72.25	X			X
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25	X			
SELLS 416.1	1. DENNIS E. JOSE ()	208.05			X	
	2. EVELYN JUAN ()	208.05			X	
SIF OIDAK 184.7	1. ISIDRO LOPEZ ()	92.35	X			
	2. RITA MARTINEZ (Nicholas Jose)	92.35	X			
TOTAL		2,417.5	1,837.4	-0-	580.1	[03]

**PASSED VOTES