

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Exempting the Tohono O'odham Gaming Enterprise (Formerly known as the Tohono O'odham Gaming Authority) from Additional Provisions of Article III of Ordinance 05-82, and Adopting Amended Regulations Pursuant to Article IV, Section 2(K) of Ordinance 05-82)

RESOLUTION NO. 04-514

- 1 **WHEREAS, on April 6, 1982, the Papago Tribal Council enacted the Alcoholic Beverages Licensing**
2 **and Control Ordinance as Ordinance No. 05-82 (the "Ordinance") for the regulation**
3 **of the introduction, sale, possession and consumption of alcoholic beverages within**
4 **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, by Resolution 01-119, the Legislative Council authorized the Gaming Authority to**
12 **offer spirituous liquors for sale to patrons of the Nation's gaming facilities located**
13 **within Districts which have sanctioned pursuant to Article I, Section 4 of the**
14 **Ordinance, the introduction, sale, possession and consumption of spirituous liquors**
15 **within the boundaries of a sanctioning District and exempted the Gaming Authority**
16 **from the provisions of Article III, Sections (2) and (4) of the Ordinance, which require**
17 **licensing by the commission and purchasing from stores established by the**
18 **commission; and**
- 19 **WHEREAS, the Legislative Council found that the above-stated exemption from the provisions**
20 **of Article III, Sections (2) and (4) of the Ordinance did not impair or interfere with the**
21 **administration by the commission of the regulation of spirituous liquors in**
22 **accordance with the Ordinance; and**
- 23 **WHEREAS, by Resolution 01-119, the Legislative Council adopted Alcoholic Beverage Licensing**
24 **and Control Regulations (the "Regulations"), pursuant to Article VII, Section 2(K) of**
25 **the Ordinance and required the Gaming Authority to comply with those Regulations;**
26 **and**
- 27 **WHEREAS, by Resolution 04-513, the Legislative Council amended the Charter of the Gaming**
28 **Authority to change its name o the Tohono O'odham Gaming Enterprise; and**

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Page 2 of 3

1 **WHEREAS, because Arizona has changed its liquor laws to allow liquor to be served for an**
2 **additional hour, resulting in an inconsistency among Arizona's laws and the**
3 **Ordinance and the Regulations, it is in the interests of the Nation to amend the**
4 **Regulations to conform with this change in to Arizona law and to exempt the Gaming**
5 **Enterprise from additional provisions of Article III of the Ordinance that are**
6 **inconsistent with the amended Regulations and Arizona's laws.**

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

- 8 **1. The provisions of Article III, Sections (5), (6), (9), (11), (12), and (14) of the**
9 **Ordinance shall not apply to the Tohono O'odham Gaming Enterprise with**
10 **respect to its sale of spirituous liquors in the original container and in individual**
11 **portions for consumption on the premises of gaming facilities operated by the**
12 **Gaming Enterprise within a sanctioning District. If the Gaming Enterprise sells**
13 **spirituous liquors, it nonetheless shall comply with all regulations adopted**
14 **under the Ordinance applicable to on-sale retailers.**
- 15 **2. The regulations attached to this resolution as Exhibit A are adopted as**
16 **regulations of the Nation's Liquor Licenses and Control Commission under**
17 **Article IV, Section 2(K), of the Ordinance which shall supercede the Regulations**
18 **enacted by Resolution 01-119.**

19 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 18TH Day**
20 **of OCTOBER, 2004 at a meeting at which a quorum was present with a vote of 2,533.4 FOR; 96.30**
21 **AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by**
22 **Section 1 (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**
23 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**
24 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**
25 **Stat. 984).**

26
27 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

28 
29 _____
30 **Isidro Lopez, Legislative Chairman**

31
32 22 day of October, 2004
33

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Page 3 of 3

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ATTEST:

Rosita N. Ruiz
Rosita N. Ruiz, Legislative Secretary

22 day of October, 2004.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'odham Nation on the 22 day of October, 2004 at 8:47 o'clock, A.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

[Signature]
Isidro Lopez, Legislative Chairman

APPROVED

on the 25th day of October, 2004

DISAPPROVED

at 3:15 o'clock, P.M.

[Signature]
VIVIAN JUAN SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 26 day of October, 2004, at 5:02 o'clock, P.M.

Rosita N. Ruiz
Rosita N. Ruiz, Legislative Secretary

ACTION: EXEMPTING THE TOHONO O'ODHAM GAMING ENTERPRISE (FORMERLY KNOWN AS THE TOHONO O'ODHAM GAMING AUTHORITY) FROM ADDITIONAL PROVISIONS OF ARTICLE III OF ORDINANCE 05-82, AND ADOPTING AMENDED REGULATIONS PURSUANT TO ARTICLE IV, SECTION 2(K) OF ORDINANCE 05-82

MOVED: COUNCILMAN DENNIS JOSE

SECOND: COUNCILMAN VERLON JOSE

DATE: OCTOBER 18, 2004

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 192.6	1. ISIDRO LOPEZ (Nicholas Jose)	96.30	X			
	2. DARLENE ANDREW (Rita Martinez)	96.30		X		
SELLS 465.6	1. DENNIS E. JOSE ()	232.80	X			
	2. EVELYN JUAN** ()	232.80	X			
SCHUK TOAK 176.1	1. FRANCES B. CONDE ()	88.05	X			
	2. PHYLLIS JUAN ()	88.05	X			
SAN XAVIER 215.4	1. FELICIA NUÑEZ (Absent) (Olivia Liston-Villegas)(Present)	107.70	X			
	2. DENNIS RAMON (Eleanor Hunter)	107.70	X			
SAN LUCY 166.3	1. JOHN W. LAWSON, SR. ()	83.15	X			
	2. GLORIA RAMIREZ ()	83.15	X			
PISINEMO 175.4	1. BARBARA SALVICIO ()	87.70	X			
	2. PATRICIA CRUZ ()	87.70	X			
HICKIWAN 170.3	1. DELMA GARCIA (Mary E. Sam)	85.15	X			X
	2. SANDRA ORTEGA ()	85.15	X			
GU VO 191.4	1. RAYMOND VICTOR ()	95.70	X			
	2. MICHAEL FLORES** (Willard Manuel)	95.70	X			
GU ACHI 253.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
	2. JEROME JOAQUIN (Roberta Picard)	126.80	X			
CHUKUT KUK 258.9	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X			
	2. VERLON M. JOSE (David Garcia)	129.45	X			
BABOQUIVARI 364.1	1. FRANCES MIGUEL (Lucilda Norris-Valenzuela)	182.05	X			
	2. FRANCES G. ANTONE ()	182.05	X			
TOTAL		2,629.7	2,533.4	96.30	-0-	[01]

**PASSED VOTES