

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing the Conditional Return of Property Seized by the United
States Government from Papago Bingo)

RES. NO. 92-285

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4 **WHEREAS,** *on May 12, 1992, agents of the United States government, at the*
5 *request of the United States Attorney for the District of Arizona,*
6 *entered upon lands of the Tohono O'odham Nation and seized*
7 *property belonging to the Nation located at Papago Bingo; and*

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9 **WHEREAS,** *the seized property consists of 258 video gaming machines,*
10 *approximately \$33,000 in cash located inside some of the*
11 *machines as well as office equipment and business records; and*

12 **WHEREAS,** *the United States Attorney directed that the Nation's property be*
13 *removed from the premises and stored in the custody of the*
14 *United States Marshall in Phoenix, Arizona; and*

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16 **WHEREAS,** *the United States Attorney has commenced a civil action in United*
17 *States District Court in Phoenix, Arizona to have the seized*
18 *property forfeited to the United States; and*

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20 **WHEREAS,** *the Nation immediately expressed its outrage at the seizure of the*
21 *Nation's property and by Resolution No. 92-199 demanded the*
22 *return of the property; and*

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24 **WHEREAS,** *the United States Attorney has agreed to a conditional return of*
25 *the seized property and to stay the forfeiture proceeding pending*
26 *either the resolution of the Nation's lawsuit in federal court*
27 *against the State of Arizona or the lawful disposition of the*
28 *machines; and*

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WHEREAS, storage costs have been accumulating, and continue to accumulate, at the rate of \$46.44 per day, which, as of July 9, 1992, total approximately \$2,800; and

WHEREAS, it is in the best interests of the Nation to have the property returned and to reduce the costs of storage and related costs associated with challenging the forfeiture action.

NOW, THEREFORE, BE IT RESOLVED THAT the Nation will accept the return of the seized property upon the following terms and conditions:

- 1. All property seized by the United States from Papago Bingo on May 12, 1992, shall be released to the Tohono O'odham Nation, at the location at which it is currently being held by the United States government.**
- 2. The property shall be transported from its current location at the Nation's expense; the Nation shall arrange and pay for the transportation of its property.**
- 3. The 258 video gaming machines shall be stored by the Nation, off-reservation, at the expense of the Nation, under a joint custody agreement with the United States providing right of access and inspection by the United States Marshall. The Nation shall be allowed to lawfully sell or otherwise dispose of**

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the machines at any time, or return them to Papago Bingo for operation under an IGRA approved compact.

4. *The United States and the Nation shall agree to stay the forfeiture action until the machines are lawfully disposed of.*

5. *The United States shall bear the entire cost of transporting the seized property from Papago Bingo to the present storage site.*

The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 15th day of July, 1992 at a meeting at which a quorum was present with a vote of 1,195.0 FOR; 325.0 AGAINST; 79.0 NOT VOTING; and 125.0 [06] ABSENT, pursuant to the powers vested in the Council by Section 1 (c)(2), (d)(2), (f), (j) & (l) 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

Mary Ann Antone

Mary Ann Antone, Legislative Chairwoman
16th day of July, 1992

ATTEST:

Teresa M. Choyguha

Teresa M. Choyguha, Legislative Secretary
16th day of July, 1992.

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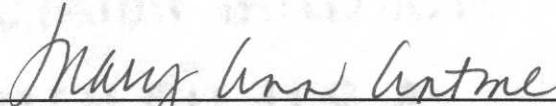
(Authorizing the Conditional Return of Property Seized by the U.S. Government from Papago Bingo)

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 16th day of July, 1992, at 1:51 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



Mary Ann Antone, Legislative Chairwoman

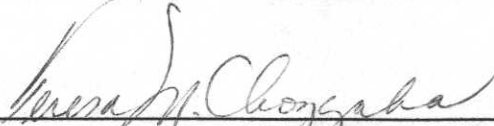
APPROVED on the 16th day of July, 1992

DISAPPROVED at 2:42 o'clock, P.M.



**JOSIAH MOORE, Chairman
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 16th day of July, 1992, at 4:32 o'clock, P.M.



Teresa M. Choyguha, Legislative Secretary

MOVED: COUNCILMAN JOHN RENOSUBJECT: AUTHORIZING THE CONDITIONAL RETURN OF PROP-SECOND: COUNCILMAN MICHAEL FLORESERTY SEIZED BY THE U.S. GOVERNMENT FROM PAPAGO BINGODATE: JULY 15, 1992

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 163.0	1. Kenneth Williams (Harriet Toro)	81.5	X			
	** 2. Alberta M. Lopez (Berdella Jose)	81.5	X			
HICKIWAN 125.0	1. Lloyd Francisco (Billy C. Manuel)	62.5				X
	2. Manuel Osequeda, Jr. ()	62.5				X
GU VO 114.0	1. Michael Flores	57.0	X			
	2. Emilio Lewis (Anthony Flores)	57.0	X			
SAN LUCY 106.0	1. Albert Manuel, Jr. (Max P. Jose)	53.0	X			
	2. John Reno ()	53.0	X			
PISINEMO 119.0	1. Johnson Jose ()	59.5		X		
	2. Chester Antone (Fernando Valentine)	59.5		X		
GU ACHI 166.0	1. Alex Ramon (Fernando Joaquin)	83.0	X			X
	2. Willard Anita ()	83.0	X			
BABOQUIVARI 229.0	1. Earl A. Francisco (Kenneth Chico, Sr.)	114.5	X			
	2. Frances Miguel ()	114.5	X			
SAN XAVIER 127.0	1. Joanne C. Preston (Carmelita Mattias)	63.5		X		
	** 2. Eugene Enis, Sr. (Michael R. Rios)	63.5		X		
SCHUK TOAK 107.0	1. JoAnn Francisco (David Valenzuela Sr.)	53.5	X			
	2. Frances Francisco (Joseph Juan)	53.5	X			
SELLS 310.0	1. Joseph T. Joaquin (Larry Garcia)	155.0	X			
	2. Andrew Patricio (Lucille Encinas)	155.0	X			
SIF OIDAK 158.0	1. Mary Ann Antone (Nina Jose)	79.0		X		
	2. Willard Juan, Sr. (Delbert Thomas)	79.0			X	
TOTAL		1,724.0	1,195.0	325.0	79.0	125.0 [03]

**PASSED VOTES