

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the Nation's Last Best Offer for a Tribal-State
Compact for Submission to the Mediator Pursuant to
the Indian Gaming Regulatory Act)

RESOLUTION NO. 92-461

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4 **WHEREAS,** *the Tohono O'Odham Legislative Council authorized the conduct*
5 *of gaming operations on the Nation's lands to promote economic*
6 *development and self-sufficiency; and*

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8 **WHEREAS,** *the Congress of the United States has declared that it is the policy*
9 *of the United States to promote tribal economic development, self-*
10 *sufficiency and strong tribal governments and enacted the Indian*
11 *Gaming Regulatory Act, Public Law 100-497 (the "Act"), and*
12 *established the National Indian Gaming Commission to protect*
13 *Indian gaming as a means of generating tribal revenue; and*

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16 **WHEREAS,** *the Act provides that in order to conduct gaming classified under*
17 *the Act as Class III gaming upon its lands, the Nation must enter*
18 *into a compact with the State of Arizona, which compact will*
19 *govern the conduct of the Nation's Class III gaming activities;*
20 *and*

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23 **WHEREAS,** *the Nation timely submitted a request to the State of Arizona to*
24 *enter into compact negotiations, however, because of the State's*
25 *refusal to negotiate compact terms which would authorize*
26 *electronic gaming devices and other forms of Class III gaming*
27 *which the State does not criminally prohibit, the Nation invoked*
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the remedial provisions of the Act and joined other Indian tribes located in Arizona in a lawsuit in federal district court against the State to compel compact negotiations; and

WHEREAS, *the federal district court entered an order pursuant to the Act, directing the State to either negotiate a compact with the Nation by December 4, 1992, or the court will appoint a mediator whose function is to choose between the Nation's last best offer for a compact and the State's last best offer for a compact for submission to the Secretary of Interior as the Tribal-State compact to govern Class III gaming on the Nation's lands; and*

WHEREAS, *the Nation and the State have reached an impasse in negotiations and have advised the federal court that a mediator should be appointed; and*

WHEREAS, *the Legislative Council met in Special Session at the request of the Nation's Tribal-State Compact Negotiating Committee to consider a compact proposal which represents the Nation's last best offer for a compact to be submitted to the mediator.*

NOW, THEREFORE, BE IT RESOLVED *that the Tohono O'Odham Legislative Council approves the document attached hereto as the Nation's*

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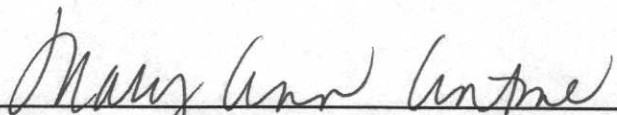
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last best offer for a compact, and authorizes the Nation's Tribal-State Compact Negotiating Committee, and the Nation's attorneys, to submit the Nation's last best offer for a compact to the mediator when directed to do so by the federal district court.

The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 1ST. day of DECEMBER, 1992 at a meeting at which a quorum was present with a vote of 1,210.0 FOR; 229.0 AGAINST; -0- NOT VOTING; and 285.0 [10] 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).

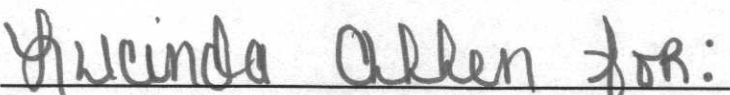
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Mary Ann Antone, Legislative Chairwoman

3rd day of December, 1992

ATTEST:



Teresa M. Choyguha, Legislative Secretary

3rd. day of December, 1992.

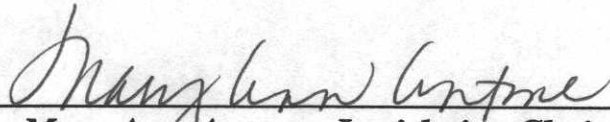
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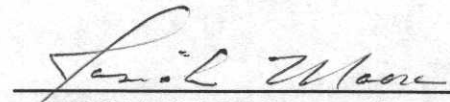
Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 3rd day of December, 1992, at 11:50 o'clock, a.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

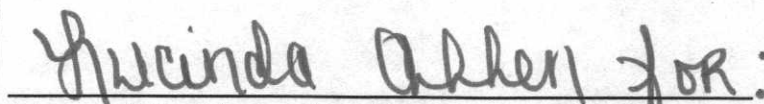

Mary Ann Antone, Legislative Chairwoman

APPROVED on the 3rd day of December, 1992

DISAPPROVED) at 3:50 o'clock, P.M.


JOSIAH MOORE, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 3rd day of December, 1992, at 3:54 o'clock, P.M.


Teresa M. Choyguha, Legislative Secretary

MOVED: COUNCILWOMAN JOANNE C. PRESTON SUBJECT: APPROVING THE NATION'S LAST BEST OFFER FOR
 SECOND: COUNCILMAN KENNETH WILLIAMS A TRIBAL-STATE COMPACT FOR SUBMISSION TO THE MEDIATOR
 DATE: DECEMBER 01, 1992 PURSUANT TO THE INDIAN GAMING REGULATORY ACT

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			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			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
	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		X
SAN XAVIER 127.0	1. Joanne C. Preston (Carmelita Mattias)	63.5	X			
	2. Eugene Enis, Sr. (Michael R. Rios)	63.5	X			X
SCHUK TOAK 107.0	1. JoAnn Francisco (David Valenzuela Sr.)	53.5	X			X
	2. Frances Francisco (Joseph Juan)	53.5	X			
SELLS 310.0	1. Joseph T. Joaquin (Larry Garcia)	155.0	X			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	1,210.0	229.0	-0-	285.0 [10]

**PASSED VOTES