

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Authorizing the Tohono O'odham Nation Gaming Negotiating  
Committee to Negotiate a Settlement for the  
Resumption of Class III Gaming)**

**RESOLUTION NO. 93-121**

**WHEREAS, by Resolution Nos. 260-89 and 91-346, the Tribal-State Compact Negotiating Committee was established to negotiate a tribal-state gaming compact with the State of Arizona for the operation of gaming activities within the Tohono O'odham Nation which are allowable under the provisions of the Indian Gaming Regulatory Act, 25 U.S.C. §§ 2701-2721, (the "Act"); and**

**WHEREAS, the Tribal-State Compact Negotiating Committee was unable to conclude a negotiated compact with the State of Arizona because of the State's refusal to negotiate compact terms permissible under the Act; and**

**WHEREAS, the federal district court appointed a mediator pursuant to Section 2710(d)(7)(B)(iv) of the Act to select from the last best offer of the State and the last best offer of the Nation, the proposed compact which best comports with the terms of the Act; and**

**WHEREAS, on February 15, 1993, the mediator selected the Nation's last best offer for a compact as the proposal which best comports with the terms of the Act; and**

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**WHEREAS, the mediator submitted the selected compact to the State for acceptance as required by Section 2710(d)(7)(B)(v) of the Act on February 22, 1993; and**

**WHEREAS, pursuant to Section 2710(d)(7)(B)(vi) of the Act, the State has 60 days from February 22, 1993 to accept the proposed compact selected by the mediator; and**

**WHEREAS, Section 2710(d)(7)(B)(vii) of the Act provides that if the State does not accept the compact selected by the mediator within that 60 day period, the mediator shall notify the Secretary of Interior who shall, in consultation with the Nation, prescribe procedures under which class III gaming may be conducted within the Nation, which procedures are consistent with: (a) the proposed compact selected by the mediator, (b) the provisions of the Act, and (c) the relevant provisions of the laws of the State of Arizona; and**

**WHEREAS, the Secretary of the Interior (the "Secretary") had preliminary meetings with members of the Nation's Tribal-State Compact Negotiating Committee and has discussed the following three principles as the basis for mutual agreement: (1) class III**

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4 gaming by Tribes in Arizona would be limited to machines only,  
5 as long as the State of Arizona does not sanction any additional  
6 form of class III gaming, (2) any compromise proposal should  
7 be available to all recognized Indian Tribes in Arizona, and (3)  
8 restrictions would be placed on the specific number and location  
9 of machines, provided that all Tribes in Arizona would have a  
10 minimum quota of 250 machines, with larger Tribes entitled to  
11 additional allocations.  
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14 **NOW, THEREFORE, BE IT RESOLVED THAT** it is in the best interest of  
15 the Nation to secure approval of the Secretary of Interior, as  
16 required by the Act, to resume class III gaming as soon as  
17 possible.  
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20 **BE IT FURTHER RESOLVED THAT** the Tribal-State Compact Negotiating  
21 Committee, hereinafter called the Tohono O'odham Nation  
22 Gaming Negotiating Committee, is hereby authorized to  
23 negotiate an agreement on behalf of the Nation pursuant to  
24 which class III gaming may be conducted within the Nation,  
25 giving due regard to the last best offer for a compact proposal  
26 approved by the Legislative Council, the provisions of the Act,  
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and other relevant factors and circumstances affecting the  
ability of the Nation to resume class III gaming.

BE IT FINALLY RESOLVED THAT following consultation and negotiation  
with the Secretary and other interested parties, the Tohono  
O'odham Nation Gaming Negotiating Committee shall submit  
to the Council for final approval its best recommendation for a  
proposal pursuant to which class III gaming may be conducted  
within the Nation.

The foregoing Resolution was passed by the Tohono O'Odham Legislative  
Council on the 15TH. day of APRIL, 1993 at a meeting at which a quorum  
was present with a vote of 1,599.0 FOR; -0- AGAINST; -0- NOT VOTING;  
and 125.0 [07] ABSENT, pursuant to the powers vested in the Council by  
Section 1(b) & 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

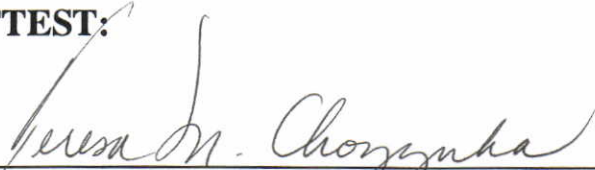
16<sup>th</sup> day of April, 1993

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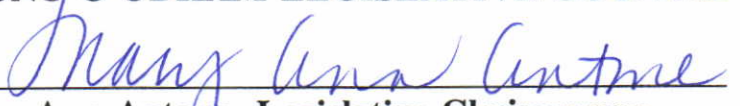
**ATTEST:**

  
\_\_\_\_\_  
**Teresa M. Choyguha, Legislative Secretary**

16<sup>th</sup> day of April, 1993.

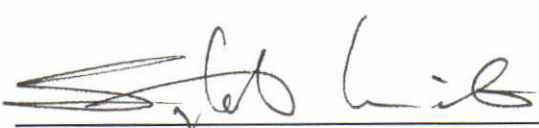
Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 16<sup>th</sup> day of April, 1993, at 9:12 o'clock, a.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

  
\_\_\_\_\_  
**Mary Ann Antone, Legislative Chairwoman**

**APPROVED** on the 16 day of April, 1993

**DISAPPROVED**) at 5:54 o'clock, p..M.

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

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Returned to the Legislative Secretary on the 19<sup>th</sup> day of APRIL,  
19 93, at 12:16 o'clock, P.M.

Guacinda Allen for:  
Teresa M. Choyguha, Legislative Secretary

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MOVED: COUNCILMAN EARL A. FRANCISCO SUBJECT: AUTHORIZING THE TOHONO O'ODHAM NATION  
 SECOND: COUNCILMAN WILLARD ANITA GAMING NEGOTIATING COMMITTEE TO NEGOTIATE A SETTLE-  
 DATE: APRIL 15, 1993 MENT FOR THE RESUMPTION OF CLASS III GAMING

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			X
	2. John Reno ( )	53.0	X			
PISINEMO 119.0	1. Johnson Jose ( )	59.5	X			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			
SAN XAVIER 127.0	1. Joanne C. Preston (Carmelita Mattias)	63.5	X			X
	2. Eugene Enis, Sr. (Michael R. Rios)	63.5	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			
	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			X
TOTAL		1,724.0	1,599.0	-0-	-0-	125.0 [07]

\*\*PASSED VOTES