

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Authorizing Gaming Device Assessment Fee)**

**RESOLUTION NO. 96-233**

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**WHEREAS, by Resolution No. 95-383 (Authorizing Interim Gaming Device Payment to the State) the Legislative Council authorized the Executive Director of the Tohono O'odham Gaming Office and the Commerce Committee to negotiate the gaming device assessment fee, as required in Section 12(b) of the Tohono O'odham Nation - State of Arizona Gaming Compact; and**

**WHEREAS, pending negotiations and approval by the Legislative Council of the gaming device assessment fee, the Legislative Council authorized in Resolution No. 95-383 the payment of an interim gaming device assessment fee based upon the actual expenses of the State; and**

**WHEREAS, by Resolution No. 95-582, the Legislative Council authorized the extension of payment of the gaming device assessment fee at the interim rate through June 30, 1996; and**

**WHEREAS, the Nation has made good faith efforts to negotiate a gaming device assessment fee based upon the actual and projected costs and expenses incurred for State regulation and enforcement duties pursuant to the Compact, including proposals for an assessment rate; and;**

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3 **WHEREAS,** the State has rejected the Nation's offers and has presented all  
4 compacted Tribes with a non-negotiable demand for \$500 fee per  
5 gaming device, per year for the duration of the Compact, without  
6 regard to the State's actual or necessary expenses; and  
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9 **WHEREAS,** the Executive Director of the Tohono O'odham Gaming Office and  
10 the Commerce Committee recommend that the Legislative Council  
11 reject the State's ultimatum and seek arbitration of the Compact  
12 interpretation dispute.  
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15 **NOW, THEREFORE, BE IT RESOLVED THAT:**

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- 17 1. Payment of the gaming device assessment fee is authorized at the  
18 rate of two hundred and fifty-eight dollars (\$258) per gaming  
19 device per annum, through June 30, 1998.  
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  - 21 2. Payment of actual costs incurred by the State presented in timely  
22 notices from the State in accordance with Section 12(b), sentence  
23 7, of the Compact is hereby authorized.  
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  - 25 3. The Executive Director of the Tohono O'odham Gaming Office  
26 and the Commerce Committee are authorized and directed to  
27 take all reasonable and necessary steps to resolve by negotiation  
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or arbitration the gaming device assessment fee to be paid the State.

The foregoing Resolution was passed by the Tohono O'Odham Council on the 5TH day of JUNE, 1996 at a meeting at which a quorum was present with a vote 1,611.0 FOR; -0- AGAINST; -0- NOT VOTING; and 265.0 [08] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1 (f) 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**



**Dennis Ramon, Legislative Chairman**

7<sup>th</sup> day of June, 19 96

**ATTEST:**



**Frances Antone, Legislative Secretary**

6<sup>th</sup> day of June, 19 96

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3 Said Resolution was submitted for approval to the office of the Chairman of the  
4 Tohono O'Odham Nation on the 7<sup>th</sup> day of June, 1996 at  
5 2:45 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of  
6 the Constitution and will become effective upon his approval or upon his failure  
7 to either approve or disapprove it within 48 hours of submittal.

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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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**Dennis Ramon, Legislative Chairman**

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15  APPROVED

on the 10<sup>th</sup> day of June, 1996

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16  DISAPPROVED

at 9:16 o'clock, A.M.

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**EDWARD D. MANUEL, Chairman**

**TOHONO O'ODHAM NATION**

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Returned to the Legislative Secretary on the 10<sup>th</sup> day of


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June, 1996, at 9:41 o'clock, A.M.

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**Frances Antone, Legislative Secretary**

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ACTION: AUTHORIZING GAMING DEVICE ASSESSMENT FEE

MOVED: COUNCILMAN KENNETH WILLIAMS

SECOND: COUNCILMAN WILLARD ANITA

DATE: JUNE 05, 1996

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 160.0	1. MARY ANN ANTONE (Nellie Miguel)	80.0				X
	2. RITA MARTINEZ (Maxine Norris)	80.0				X
SELLS 314.0	1. JOSEPH T. JOAQUIN (Allen W. Garcia, Jr.)	157.0	X			X
	2. LUCILLE ENCINAS (Cynthia Chico)	157.0	X			
SCHUK TOAK 117.0	1. KENNETH J. ANTONE ( )	58.5	X			
	2. JOSEPH JUAN ( )	58.5	X			
SAN XAVIER 142.0	1. DENNIS RAMON ( )	71.0	X			
	2. TONY BURRELL ( )	71.0	X			
BABOQUIVARI 257.0	1. EDWARD KISTO (Idella Stanley)	128.5	X			
	2. FRANCES MIGUEL (Kenneth Chico, Sr.)	128.5	X			
GU ACHI 187.0	1. WILLARD ANITA (Louis Johnson)	93.5	X			
	2. ALEX J. RAMON (Marian Johnson)	93.5	X			
PISINEMO 135.0	1. JOHNSON JOSE (Roseleen Antone)	67.5	X			
	2. BARBARA SALVICIO ( )	67.5	X			
SAN LUCY 105.0	1. ALBERT MANUEL, JR. ( )	52.5				X
	2. JOHN RENO (Mary Hoffman)	52.5				X
GU VO 134.0	1. MICHAEL FLORES ( )	67.0	X			X
	2. FERN SALCIDO (Larry Montana)	67.0	X			
HICKIWAN 142.0	1. LLOYD FRANCISCO ( )	71.0	X			X
	2. ALEX JOSE ( )	71.0	X			
CHUKUT KUK 183.0	1. KENNETH WILLIAMS ( )	91.5	X			
	2. DAVID GARCIA (Marvin Thomas )	91.5	X			X
<b>TOTAL</b>		<b>1,876.0</b>	<b>1,611.0</b>	<b>-0-</b>	<b>-0-</b>	<b>265.0 [08]</b>

\*\*PASSED VOTES