

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending Section 1104 of the Ordinance for the Regulation of
Gaming Activities Within the Tohono O'odham Nation)**

RESOLUTION NO. 97-150

WHEREAS, the Tohono O'odham Nation adopted the "Ordinance for the Regulation of Gaming Activities Within the Tohono O'odham Nation" (Gaming Ordinance) by Resolution Number 93-296 on August 16, 1993; and

Whereas, Chapter 16, Section 1601 of the Gaming Ordinance provides that the Gaming Ordinance may be amended by action of the Legislative Council; and

Whereas, Chapter 11 provides for the licensing requirements for gaming facilities including the payment of fees; and

Whereas, the current Gaming Facility License fee is three hundred thousand dollars (\$300,000) per year, based on gaming facilities having five hundred (500) gaming devices; and

Whereas, an annual fee of \$300,000 may be a financial burden to small gaming facilities with fewer than 500 gaming devices; and

Whereas, the Gaming Office of the Tohono O'odham Nation recommends that Sections 1104(a) and (b) be amended to address required fee payments of Gaming Facilities with less than 500 gaming devices.

NOW THEREFORE, BE IT RESOLVED THAT:

- 1. Section 1104 of the Tohono O'odham Gaming Ordinance is hereby amended as follows:**

RESOLUTION NO. 97-150
(Amending Section 1104 of the Ordinance for the Regulation of
Gaming Activities Within the Tohono O'odham Nation)
Page 2 of 5

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Section 1104. Fees

The Gaming Office shall collect the following fees in connection with the processing of applications and the issuance of licenses:

(a) Gaming Facility License:

- 1. Annual fee of \$300,000.00 for gaming facilities with 400 to 500 gaming devices in operation.**
- 2. Annual fee of \$240,000.00 for gaming facilities with 300 to 400 gaming devices in operation.**
- 3. Annual fee of \$180,000.00 for gaming facilities with 200 to 300 gaming devices in operation.**
- 4. Annual fee of \$120,000.00 for gaming facilities with 100 to 200 gaming devices in operation.**
- 5. Annual fee of \$60,000.00 for gaming facilities with 100 or less gaming devices in operation.**
- 6. Application fee for the amendment of an existing Gaming Facility License shall be one-half of the annual fee applicable at the time of application for amendment and shall be paid in full at the time of application for amendment.**

RESOLUTION NO. 97-150

(Amending Section 1104 of the Ordinance for the Regulation of Gaming Activities Within the Tohono O'odham Nation)

Page 3 of 5

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3 **(b) The annual fee shall be payable in equal quarterly**
4 **installments, the first of which shall be payable**
5 **within 15 days of receipt of notice of approval of**
6 **the Gaming Facility License. The remaining**
7 **installments shall be paid on the first day of each**
8 **succeeding calendar quarter calculated at the**
9 **rate imposed under subsection (a) then in effect**
10 **for the number of gaming devices authorized for**
11 **operation on the date each quarterly installment**
12 **is due.**

14 **2. The Gaming Ordinance shall be reprinted in its**
15 **entirety, bearing Ordinance Number 93-01 and showing**
16 **a revision date of May 1997.**

18 **3. The Executive Director of the Gaming Office is**
19 **authorized and directed to take all necessary and**
20 **reasonable steps to obtain approval of the amendment**
21 **to Section 1104 by the National Indian Gaming**
22 **Commission.**

23
24 **The foregoing Resolution was passed by the Tohono O'Odham Legislative**
25 **Council on the 6TH. day of MAY, 1997 at a meeting at which a quorum was**
26 **present with a vote of 1,876.0 FOR; -0- AGAINST; -0- NOT VOTING; and [07]**
27 **ABSENT, pursuant to the powers vested in the Council by Article VI,**
28 **Section 1(c) 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).

RESOLUTION NO. 97-150

(Amending Section 1104 of the Ordinance for the Regulation of Gaming Activities Within the Tohono O'odham Nation)

Page 4 of 5

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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Dennis Ramon, Legislative Chairman

9th day of May, 19 97

ATTEST:



Frances G. Antone, Legislative Secretary

9th day of May, 19 97.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 9th day of May, 1997 at 9:43 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



Dennis Ramon, Legislative Chairman