

**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. 97-168**

**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. 97-168**

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

**Page 2 of 5**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**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.**

**(b) The annual fee shall be payable in equal quarterly installments, the first of which shall be payable within 15 days of receipt of notice of approval of the Gaming Facility License. The remaining installments shall be paid on the first day of each**

**RESOLUTION NO. 97-168**

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

**Page 3 of 5**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

succeeding calendar quarter calculated at the rate imposed under subsection (a) then in effect for the number of gaming devices authorized for operation on the date each quarterly installment is due.

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

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

**BE IT FINALLY RESOLVED** by the Legislative Council that this resolution hereby rescinds Resolution No. 97-150.

The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 9TH. day of MAY, 1997 at a meeting at which a quorum was present with a vote of 1,315.0 FOR; -0- AGAINST; -0- NOT VOTING; and 561 [10] ABSENT, pursuant to the powers vested in the Council by Article VI, 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. 97-168**  
**(Amending Section 1104 of the Ordinance for the Regulation of**  
**Gaming Activities Within the Tohono O'odham Nation)**  
Page 4 of 5

**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

  
\_\_\_\_\_  
**Dennis Ramon, Legislative Chairman**

15<sup>th</sup> day of May, 1997

**ATTEST:**

  
\_\_\_\_\_  
**Frances G. Antone, Legislative Secretary**

15<sup>th</sup> day of May, 1997.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 15<sup>th</sup> day of May, 1997 at 4:36 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**

  
\_\_\_\_\_  
**Dennis Ramon, Legislative Chairman**


**RESOLUTION NO. 97-168**

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

**Page 5 of 5**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**APPROVED** on the 19<sup>th</sup> day of May, 1997  
 **DISAPPROVED** at 4:02 o'clock, P.M.

  
EDWARD D. MANUEL, Chairman  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 19<sup>th</sup> day of  
May, 1997, at 4:15 o'clock, P.M.

  
Francis G. Antone, Legislative Secretary

ACTION: **AMENDING SECTION 1104 OF THE ORDINANCE FOR THE REGULATION OF GAMING ACTIVITIES WITHIN THE TOHONO O'ODHAM NATION**

MOVED: COUNCILWOMAN FERN SALCIDO

SECOND: COUNCILMAN JOSEPH JUAN

DATE: MAY 9, 1997

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF OIDAK</b> <b>160.0</b>	1. MARY ANN ANTONE (Nellie Miguel)	80.0	X			
	2. RITA MARTINEZ (Maxine Norris)	80.0	X			X
<b>SELLS</b> <b>314.0</b>	1. JOSEPH T. JOAQUIN (Allen W. Garcia, Jr.)	157.0				X
	2. LUCILLE ENCINAS (Cynthia Chico)	157.0				X
<b>SCHUK TOAK</b> <b>117.0</b>	1. KENNETH J. ANTONE ( )	58.5	X			X
	2. JOSEPH JUAN ( )	58.5	X			
<b>SAN XAVIER</b> <b>142.0</b>	1. DENNIS RAMON ( )	71.0	X			
	2. TONY BURRELL ( )	71.0	X			
<b>BABOQUIVARI</b> <b>257.0</b>	1. EDWARD KISTO (Idella Stanley)	128.5	X			X
	2. FRANCES MIGUEL ( )	128.5	X			
<b>GU ACHI</b> <b>187.0</b>	1. WILLARD ANITA (Louis Johnson)	93.5	X			
	2. ALEX J. RAMON (Marian Johnson)	93.5	X			
<b>PISINEMO</b> <b>135.0</b>	1. JOHNSON JOSE (Roseleen Antone)	67.5	X			
	2. BARBARA SALVICIO ( )	67.5	X			
<b>SAN LUCY</b> <b>105.0</b>	1. ALBERT MANUEL, JR. ( )	52.5				X
	2. JOHN RENO (Mary Hoffman)	52.5				X
<b>GU VO</b> <b>134.0</b>	1. GLORIA MONTANA ( )	67.0	X			X
	2. FERN SALCIDO (Larry Montana)	67.0	X			
<b>HICKIWAN</b> <b>142.0</b>	1. LLOYD FRANCISCO ( )	71.0				X
	2. ALEX JOSE ( )	71.0				X
<b>CHUKUT KUK</b> <b>183.0</b>	1. KENNETH WILLIAMS ( )	91.5	X			
	2. DAVID GARCIA (Marvin Thomas)	91.5	X			
<b>TOTAL</b>		<b>1876.0</b>	<b>1,315.0</b>	<b>-0-</b>	<b>-0-</b>	<b>561.0</b> <b>[10]</b>