

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving a Proposal for settlement of the Gaming Litigation)**

RESOLUTION NO. 98-020

WHEREAS, in June 1993, following years of litigation, mediation and negotiation, the Nation entered into a tribal - state gaming compact with the State of Arizona in accordance with the provisions of the Indian Gaming Regulatory Act of 1988; and

WHEREAS, the Compact represented a compromise between the Nation's proposed compact as selected by the court-appointed federal mediator (former Arizona Supreme Court Chief Justice Frank X. Gordon) and the State's proposal; and

WHEREAS, the Nation and the State agreed in the Compact that all disputes under the Compact would be resolved by negotiation and arbitration in accordance with the terms of Section 15 of the Compact; and

WHEREAS, all disputes with the State were resolved in that fashion prior to 1995; and

WHEREAS, since 1995, the Arizona Department of Gaming, acting on behalf of the State under the Compact, has refused the Nation's repeated requests to submit disputes to arbitration; and

WHEREAS, rather than submitting disputes to arbitration as required by the Compact, in December 1996, the State of Arizona filed suit in the United States District Court for the District of Arizona, Case No. CIV 96-737-TUC-FRZ (the "lawsuit") seeking to permanently enjoin the Nation from engaging in class III gaming activities as authorized under federal law; and

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2 **WHEREAS, to date the United States District Court has denied the State's**
3 **requests for temporary or preliminary injunctive relief and has**
4 **ordered the parties to engage in settlement discussions; and**

5 **WHEREAS, settlement of the lawsuit is in the Nation's best interests as the**
6 **alleged Compact violations asserted in the State's complaint arise**
7 **out of Compact interpretation disputes which should be resolved**
8 **by the parties through negotiation and arbitration in accordance**
9 **with the provisions of the Compact; and**

10 **WHEREAS, the Commerce Committee and the Nation's Chairman**
11 **recommend that the Nation present to the State a proposed**
12 **settlement to the lawsuit in the form attached hereto, and**
13 **incorporated herein by this reference.**

14 **NOW, THEREFORE, BE IT RESOLVED THAT:**

- 15
- 16 **1. The settlement proposal in the form attached hereto is hereby**
 - 17 **approved.**
 - 18 **2. The Nation's Chairman and the Office of Attorney General are**
 - 19 **authorized and directed to convey the settlement proposal to**
 - 20 **the State and to take all reasonable and necessary steps to**
 - 21 **resolve the lawsuit in accordance with the provisions of the**
 - 22 **settlement proposal and the Compact.**
- 23

24 **The foregoing Resolution was passed by the Tohono O'odham Council on the**
25 **20TH. day of JANUARY, 1998 at a meeting at which a quorum was present with**
26 **a vote of 1,927.0 FOR; -0- AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant**
27 **to the powers vested in the Council by Section 1(d) & (f) of Article VI of the**
28 **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).


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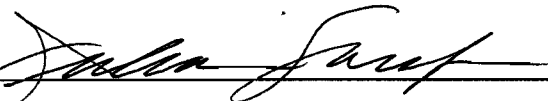
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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Dennis Ramon, Legislative Chairman
9th day of January, 19 98

ATTEST:



Julianna Saraficio, Acting Legislative Secretary
9th day of January, 19 98.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 9th day of January, 19 98 at 3:02 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

APPROVED

on the 9th day of January, 19 98

DISAPPROVED

at 4:10 o'clock, P.M.



EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 9th day of

January, 19 98, at 4:15 o'clock, P.M.


Julianna Saraficio, Acting Legislative Secretary

ACTION: APPROVING A PROPOSAL FOR SETTLEMENT OF THE GAMING LITIGATION**MOVED: COUNCILWOMAN MARY ANN ANTONE****SECOND: COUNCILWOMAN FRANCES MIGUEL****DATE: JANUARY 09, 1998**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 189.0	1. DAVID GARCIA (Marvin Thomas)	94.5	X			X
	2. KENNETH WILLIAMS (Arnold F. Smith Sr.)	94.5	X			
HICKIWAN 146.0	1. ALEX JOSE ()	73.0	X			
	2. LLOYD FRANCISCO (Susan Sam)	73.0	X			
GU VO 142.0	1. FERN SALCIDO (Larry Montana)	71.0	X			
	2. GLORIA MONTANA (Phillip Antone)	71.0	X			
SAN LUCY 114.0	1. JOHN RENO (Mary Hoffman)	57.0	X			X
	2. ALBERT MANUEL, JR. (Jana Montana)	57.0	X			
PISINEMO 139.0	1. BARBARA SALVICIO ()	69.5	X			
	2. JOHNSON JOSE ()	69.5	X			
GU ACHI 190.0	1. LOUIS JOHNSON ()	95.0	X			
	2. ALEX J. RAMON ()	95.0	X			
BABOQUIVARI 258.0	1. FRANCES MIGUEL ()	129.0	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	129.0	X			
SAN XAVIER 146.0	1. TONY BURRELL ()	73.0	X			
	2. DENNIS RAMON ()	73.0	X			
SCHUK TOAK 120.0	1. JOSEPH JUAN ()	60.0	X			
	2. AMBROSE ENCINAS ()	60.0	X			
SELLS 322.0	1. DENNIS E. JOSE ()	161.0	X			
	2. EVELYN JUAN ()	161.0	X			
SIF Oidak 161.0	1. RITA MARTINEZ (Maxine Norris)	80.5	X			
	2. MARY ANN ANTONE (Darlene Andrew)	80.5	X			
TOTAL		1,927.0	1,927.0	-0-	-0-	02

****PASSED VOTES**