

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Authorizing a Gaming Device Assessment Rate Pending Settlement  
Negotiations)**

**RESOLUTION NO. 98-218**

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3 **WHEREAS, by Resolution No. 96-233, the Legislative Council authorized payment**  
4 **of the gaming device assessment at an interim annual rate of \$258 per**  
5 **gaming device through June 30, 1998, pending negotiation of the rate**  
6 **in accordance with Section 12 (b) of the Gaming Compact; and**

7  
8 **WHEREAS, rather than negotiating a rate, the Arizona Department of Gaming**  
9 **initiated a lawsuit against the Nation to impose upon the Nation**  
10 **without negotiation an annual gaming device assessment rate of**  
11 **\$500.00 per gaming device; and**

12 **WHEREAS, following the conviction of former Governor Symington on multiple**  
13 **counts of felony bank fraud, newly appointed Arizona Governor Jane**  
14 **Dee Hull indicated a preference to resolve the disputes in litigation by**  
15 **negotiation; and**

16  
17 **WHEREAS, by Resolution No. 98-020, the Legislative Council approved a proposal**  
18 **for settlement of the litigation, which included payment of the gaming**  
19 **device fee at the annual rate of \$500.00 per gaming device until either**  
20 **a new rate is agreed upon in negotiations or a new rate is established**  
21 **in litigation; and**

22 **WHEREAS, although the State rejected the Nation's settlement proposal, as a sign**  
23 **of good faith and the Nation's sincere desire to resolve the disputes in**  
24 **litigation through negotiation, it is in the Nation's interest to**  
25 **demonstrate its commitment to the settlement negotiations by**  
26 **payment of the gaming device assessment rate for one quarter at the**  
27 **annualized rate of \$500.00 per gaming device.**  
28

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

1. **As a sign of good faith and the Nation's sincere desire to resolve the disputes in litigation through negotiation, payment of the gaming device assessment fee is authorized at the rate of \$500.00 per gaming device per annum, for one calendar quarter only, commencing July 1, 1998**
2. **In the event that the dispute over the gaming device assessment rate is not resolved by negotiation by September 1, 1998, the Executive Director of the Gaming Office shall present at the Legislative Council's September 1998 General Legislative Session a recommendation for the amount of the gaming device assessment to be paid in subsequent calendar quarters.**
3. **Nothing contained herein shall be interpreted or construed as affecting or limiting the authorization for payment of actual costs incurred by ADOG presented in timely notices from ADOG in accordance with Section 12 (b), sentence 7, of the Compact, as provided in Resolution No. 96-233.**

**The foregoing Resolution was passed by the Tohono O'odham Council on the 02ND day of JUNE, 1998 at a meeting at which a quorum was present with a vote of 1,870.0 FOR; 57.0 AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Section 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**

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

4<sup>th</sup> day of June, 1998

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**ATTEST:**

  
\_\_\_\_\_  
**Julianna Saraficio, Acting Legislative Secretary**


2<sup>nd</sup> day of June, 19 98.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 4<sup>th</sup> day of June, 19 98 at 3:48 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 8<sup>th</sup> day of June, 19 98  
 **DISAPPROVED** at 11:52 o'clock, A.M.

  
\_\_\_\_\_  
**EDWARD D. MANUEL, Chairman**  
**TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 8<sup>th</sup> day of June, 19 98, at 1:30 o'clock, P.M.

  
\_\_\_\_\_  
**Julianna Saraficio, Acting Legislative Secretary**

ACTION: AUTHORIZING A GAMING DEVICE ASSESSMENT RATE PENDING SETTLEMENT NEGOTIATIONS

MOVED: COUNCILMAN LOUIS JOHNSON

SECOND: COUNCILWOMAN MARY ANN ANTONE

DATE: JUNE 02, 1998

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>CHUKUT KUK</b> <b>189.0</b>	1. DAVID GARCIA (Marvin Thomas)	94.5	X			
	2. KENNETH WILLIAMS (Arnold F. Smith Sr.)	94.5	X			
<b>HICKIWAN</b> <b>146.0</b>	1. ALEX JOSE ( )	73.0	X			
	2. LLOYD FRANCISCO (Susan Sam)	73.0	X			
<b>GU VO</b> <b>142.0</b>	1. FERN SALCIDO** (Larry Montana)	71.0	X			
	2. GLORIA MONTANA (Phillip Antone)	71.0	X			
<b>SAN LUCY</b> <b>114.0</b>	1. JOHN RENO (Mary Hoffman)	57.0	X			
	2. ALBERT MANUEL, JR. (Jana Montana)	57.0		X		
<b>PISINEMO</b> <b>139.0</b>	1. BARBARA SALVICIO ( )	69.5	X			
	2. JOHNSON JOSE ( )	69.5	X			
<b>GU ACHI</b> <b>190.0</b>	1. LOUIS JOHNSON ( )	95.0	X			
	2. ALEX J. RAMON ( )	95.0	X			
<b>BABOQUIVARI</b> <b>258.0</b>	1. FRANCES MIGUEL ( )	129.0	X			
	2. FRANCES G. ANTONE (Edward N. Kisto)	129.0	X			
<b>SAN XAVIER</b> <b>146.0</b>	1. TONY BURRELL ( )	73.0	X			
	2. DENNIS RAMON ( )	73.0	X			
<b>SCHUK TOAK</b> <b>120.0</b>	1. JOSEPH JUAN ( )	60.0	X			
	2. AMBROSE ENCINAS ( )	60.0	X			X
<b>SELLS</b> <b>322.0</b>	1. DENNIS E. JOSE ( )	161.0	X			
	2. EVELYN JUAN ( )	161.0	X			
<b>SIF OIDAK</b> <b>161.0</b>	1. RITA MARTINEZ (Maxine Norris)	80.5	X			
	2. MARY ANN ANTONE (Darlene Andrew)	80.5	X			
<b>TOTAL</b>		<b>1,927.0</b>	<b>1,870.0</b>	<b>57.0</b>	<b>-0-</b>	<b>[01]</b>

\*\*PASSED VOTES