

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Extending authorization of the gaming device assessment rate pending  
settlement negotiations)**

**RESOLUTION NO. 98-378**

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

**WHEREAS, on June 2, 1998, by Resolution No. 98-218, the Legislative Council authorized payment of the gaming device assessment fee at the rate of \$500.00 per gaming device per annum, for one calendar quarter only, commencing July 1, 1998, as a sign of good faith and the Nation's sincere desire to resolve the disputes in litigation through negotiation; and**

**WHEREAS, on July 22, 1998 the Director of the Arizona Department of Gaming terminated settlement negotiations, and the parties returned to litigation upon expiration of the stay entered by the United States District Court Judge; and**

**WHEREAS, on August 3, 1998, the Nation filed a motion in federal court lawsuit for the appointment of a settlement judge; the Nation's motion was granted by the court on August 17, 1998; and**

**WHEREAS, in response to the Nation's August 21, 1998 demand that ADOG perform the joint pre-operation inspection of the Nation's Golden Ha:san Casino, the State renewed settlement negotiations in advance of submission of the matter to the settlement judge; and**

**WHEREAS, representatives of the Nation met with representatives of the State on September 2, 1998, to continue settlement negotiations; and**

**WHEREAS, as a sign of the Nation's continued good faith and sincere desire to resolve the disputes in litigation through negotiation, it is in the Nation's interest**

**RESOLUTION NO. 98-378**

**(Extending authorization of the gaming device assessment rate pending settlement negotiations)**

**Page 2 of 4**

1  
2  
3 to continue payment of the gaming device assessment rate for one  
4 quarter at the annualized rate of \$500.00 per gaming device for one  
5 additional quarter pending either resolution of the issue through  
6 negotiation or returning the matter to litigation for resolution.

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

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

24 **The foregoing Resolution was passed by the Tohono O'odham Council on the 16TH. day**  
25 **of SEPTEMBER, 1998 at a meeting at which a quorum was present with a vote of 1,775.5**  
26 **FOR; 151.5 AGAINST; -0- NOT VOTING; and (02) ABSENT, pursuant to the powers vested**  
27 **in the Council by Section 1 (f) of Article VI of the Constitution of the Tohono O'Odham**  
28 **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).**

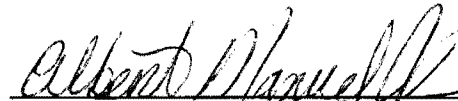
**RESOLUTION NO. 98-378**

**(Extending authorization of the gaming device assessment rate pending settlement negotiations.)**


Page 3 of 4

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

**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

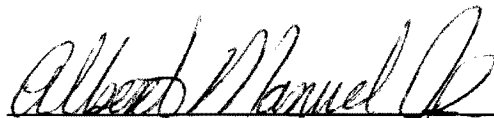
  
\_\_\_\_\_  
Dennis Ramon, Legislative Chairman  
21<sup>st</sup> day of Sept., 19 98

**ATTEST:**

  
\_\_\_\_\_  
Julianna Saraficio, Acting Legislative Secretary  
16<sup>th</sup> day of September, 19 98.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 21<sup>st</sup> day of September, 19 98 at 10:17 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

APPROVED

on the 21<sup>st</sup> day of September, 19 98

DISAPPROVED

at 4:27 o'clock, P.M.

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

**RESOLUTION NO. 98-378**


**(Extending authorization of the gaming device assessment rate pending settlement negotiations.)**

**Page 4 of 4**

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

Returned to the Legislative Secretary on the 22<sup>nd</sup> day of

September, 19 98, at 8:55 o'clock, A.M.



**Julianna Saraficio, Acting Legislative Secretary**

ACTION: EXTENDING AUTHORIZATION OF THE GAMING DEVICE ASSESSMENT RATE PENDING SETTLEMENT NEGOTIATIONS

MOVED: COUNCILMAN JOSEPH JUAN

SECOND: COUNCILWOMAN MARY ANN ANTONE

DATE: SEPTEMBER 16, 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		<b>X</b>		
	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			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>1,775.5</b>	<b>151.5</b>	<b>-0-</b>	<b>(02)</b>

\*\*PASSED VOTES