

D E F E A T E D

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Selection of Negotiating Committee for Tribal
State Compact - Gaming Activities)

RES. NO. 259-89

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3 WHEREAS, on October 17, 1989, the Indian Gaming Regulatory Act
4 (S.555) was enacted into law providing for (1) a
5 statutory basis for operations of gaming by Indian
6 tribes, (2) a statutory basis for the regulation of
7 gaming by an Indian tribe, and (3) the establishment of
8 independent federal regulatory authority and standards
9 for gaming on Indian lands; and

10 WHEREAS, the Tohono O'Odham Nation has for many years owned and
11 operated a bingo hall on the San Xavier Reservation
12 herein the game of bingo is played both electronically
13 and manually including other games similar to bingo; and

14 WHEREAS, the Indian Gaming Regulatory Act divides the gaming on
15 Indian lands into three classes, namely, Class I gaming,
16 meaning social games which are unregulated by the Act;
17 Class II gaming such as bingo and games similar to
18 bingo, excluding electronic or electromechanical bingo
19 machines, which are tribally and federally regulated;
20 and Class III gaming, meaning all forms of gaming that
21 are not Class I or Class II gaming; and

22 WHEREAS, the Act further provides that Class III gaming
23 activities are lawful on Indian lands if such activities
24 are (1) authorized by a tribal ordinance or resolution,
25 (2) located in a state that permits such gaming
26 activities, and (3) conducted in conformance with a
27 Tribal-State compact entered into by the Indian tribe
28 and the State; and

29 WHEREAS, the Act further provides that for a period of one year
30 from the date of enactment of the Act, Class II gaming
31 includes electronic or electromechanical facsimiles of
32 any game of chance (bingo) that was legally operated on

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Indian lands on or before May 1, 1988, if the Indian tribe having jurisdiction over the lands on which such gaming was operated requests the State, by no later than the date that is 30 days after the date of enactment of the Act, to negotiate a Tribal-State compact under the provisions of the Act; and

WHEREAS, within 30 days after enactment of the Act, this Council did authorize (Res. No. 314-88) and the Chairman of the Nation did send a request to the State of Arizona to negotiate a Tribal-State compact for the operation of gaming activities within the Tohono O'Odham Nation which are allowable under the provisions of the Indian Gaming Regulatory Act (S.555) only by means of a Tribal-State compact; and

WHEREAS, the Governor of the State of Arizona has responded to the Nation's request stating that the State is willing to commence negotiations of the Tribal-State compact and requested that the Nation make arrangements with the State to schedule negotiation meetings; and

WHEREAS, it's necessary that this Council select a Negotiating Committee to represent the Nation and negotiate the terms and conditions of a Tribal-State compact which terms and conditions shall be subject to Council's approval.

NOW, THEREFORE, BE IT RESOLVED that the Tohono O'Odham Legislative Council does hereby select and appoint the following people to be members of the Nation's Negotiating Committee for the purpose of negotiating a Tribal-State compact with the State of Arizona for the operation of gaming activities within the Tohono O'Odham

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1 Nation which are allowable under the provisions of the
2 Indian Gaming Regulatory Act (S.555) only by means of
3 Tribal-State compact.

- 4
- 5 1. Legislative Commerce Committee
 - 6 2. Angelo Joaquin, Sr. Tohono O'odham Chairman
 - 7 3. Edward Manuel, Tohono O'odham Legislative Council
Chairman
 - 8 4. Virgil Lewis, Vice Chairman, Tohono O'odham
Legislative Council
 - 9 5. Juanita Parvello, Chief Financial Officer
 - 6 6. Austin Nunez, San Xavier District Chairman
 - 7 7. Mike Enis, San Xavier Development Authority
 - 8 8. William Strickland, Sr., Legal Advisor

10 BE IT FURTHER RESOLVED, that William Strickland, Sr. is hereby
11 designated as the Legal Advisor for the State Compact
12 Negotiating Committee.

13 BE IT FURTHER RESOLVED that _____ is hereby
14 designated as Chairperson of this Committee and that
15 he/she is hereby authorized and directed to contact the
16 State of Arizona as soon as possible to schedule the
17 necessary meetings to negotiate the terms and conditions
18 of this Tribal-State compact.

19 BE IT FURTHER RESOLVED that the terms and conditions of this
20 Tribal-State compact shall not become effective or
21 binding on the Nation until they have been approved by
22 the Nation and notice of approval by the Secretary of
23 the Interior of such compact has been published by the
24 Secretary in the Federal Register.

25 BE IT FURTHER RESOLVED that the State Compact Negotiating
26 Committee will be in effect until negotiations are
27 completed.

28 The foregoing Resolution was presented to the Tohono O'odham
29 Council on the 18th. day of July, 1989 at a meeting at which a
30 quorum was present with a vote of 726.0 for; 832.5 against;
31 59.5 not voting; and 106.0 absent, failed to pass because it
32 did not receive a majority of the votes cast as required by
Section 2 of Article V of the Constitution of the Tohono O'Odham
Nation.

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TOHONO O'ODHAM LEGISLATIVE COUNCIL


Edward D. Manuel, Legislative Chairman

ATTEST:


Teresa M. Choyguha, Legislative Secretary

MOVED: John Reno

SUBJECT: Selection of Negotiating Committee

SECOND: Virgil Lewis

for Tribal State Compact - Gaming

DATE: July 18, 1989

Activities (D E F E A T E D)

RESOLUTION NO. 259-89

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 163.0	1. Rosita Ruiz (Rosemary Lopez)	81.5	X			
	2. Kenneth G. Williams (Harriet Toro)	81.5	X			
HICKIWAN 125.0	1. Lloyd Francisco (Billy C. Manuel)	62.5	X			
	2. Henry Ramon ()	62.5	X			X
GU VO 114.0	1. Cross Antone (Juan Joe Cipriano)	57.0	X			
	2. Virgil Lewis (Michael Flores)	57.0	X			
SAN LUCY 106.0	1. John Reno ()	53.0				X
	2. Albert Manuel, Jr. (Max P. Jose)	53.0				X
PISINEMO 119.0	1. Edward Manuel (Alex Antone)	59.5		X		
	2. Johnson Jose ()	59.5			X	
GU ACHI 166.0	1. Alex J. Ramon (Fernando Joaquin)	83.0	X			
	2. Percy Lopez ()	83.0	X			
BABOQUIVARI 229.0	1. Joann Garcia (Frances Miguel)	114.5		X		
	2. Earl A. Francisco (Kenneth Chico, Sr.)	114.5		X		
SAN XAVIER 127.0	1. Joanne C. Preston (Carmelita Mattias)	63.5		X		
	2. Eugene Enis, Sr. (Michael Rios)	63.5		X		
SCHUK TOAK 107.0	1. Joseph Juan (Frances Francisco)	53.5		X		
	2. JoAnn Francisco (David Valenzuela Sr.)	53.5		X		
SELLS 310.0	1. Joseph T. Joaquin (Larry Garcia)	155.0		X		
	2. Andrew Patricio (Daniel Lopez)	155.0		X		
SIF OIDAK 158.0	1. Willard Juan, Sr. (Melissa Gregorio)	79.0	X			
	2. Mary Ann Antone (Nina Jose)	79.0	X			
TOTAL		1,724.0	726.0	832.5	59.5	106.0