

Fort McDowell Yavapai Nation



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RESOLUTION OPPOSING THE PROPOSED EXPANSION OF NON-INDIAN GAMING OFF OF INDIAN TRIBAL TRUST LAND BY THE STATE OF ARIZONA AND OPPOSING THE PROPOSED TOHONO O'ODHAM CASINO IN MARICOPA COUNTY ARIZONA

Resolution No. Ft. McD. 2009- 22

WHEREAS, the Fort McDowell Yavapai Nation (Nation) is a federally recognized Indian tribe and a sovereign nation; and,

WHEREAS, the lands wherein the proposed Tohono O'odham Casino is to be located are the aboriginal tribal lands of the Yavapai people; and,

WHEREAS, the governing body of the Nation is the Fort McDowell Tribal Council ("Tribal Council") which directly oversees the operation of Tribal government and Tribal enterprises; and,

WHEREAS, the functions of Tribal Council also include duties as the political, ministerial, corporate and public representatives of the Nation; and,

WHEREAS, the Nation and the State of Arizona negotiated a Gaming Compact which was approved by a majority of the citizens of the State of Arizona in an election held in 2001; and,

WHEREAS, the voter Gaming Compact provided for exclusivity of Class III gaming in the State to Indian lands held in trust; and,

WHEREAS, the Nation and the other Indian Tribes in Arizona negotiated with the State and each other to limit Indian gaming by limiting the number of casinos, Class II and Class III machines, facility maximums, and types of gaming to be allowed under the express terms of the voter approved Gaming Compact; and,

WHEREAS, the City of Phoenix Metro Tribes carefully negotiated these limits with the State and each other to limit gaming and also to insure the negotiated terms would not adversely impact the individual Tribes in the Phoenix Metro area; and,

WHEREAS, the proposed expansion of gaming to off-reservation racinos would violate the terms of the voter approved compact and would end the limited gaming approved by the voters both on and off Indian lands, reduce the ability of the State to regulate gaming and would end the limits on types of gaming, facility sizes, and machine limits on Tribal lands; and,

Resolution NO. Ft. McD. 2009-22 Cont. OPPOSING NON-INDIAN OFF RESERVATION GAMING AND TOHONO O'ODHAM'S PROPOSED GLENDALE CASINO

WHEREAS, the Tribal leaders in the greater Phoenix Metro area negotiated the limits on machines, facility sizes, and casinos and each gave up rights to number of casinos or Class III machines or both of them as part of the Compact negotiation process; and,

WHEREAS, the negotiations and agreements were openly negotiated and discussed amongst the Tribal leaders participating in the negotiations with the State to include terms that resulted that no more than seven (7) casinos would be operated in the Phoenix Metro area as evidenced by the four Phoenix Metro Tribes each agreeing to give up one casino in order to limit gaming and to ensure that each of the four Tribes would not be seeking to injure the economy of each other; and,

WHEREAS, the proposed Tohono O'odham Glendale facility was not contemplated by the Tribes or the State in negotiating the terms of the Compact and the Tohono O'odham Nation did not raise the possibility of building a Casino in the Phoenix Metro area which would adversely impact on the economies of the Phoenix Metro Tribes and the Arizona Tribes located in the Payson, Prescott and Camp Verde areas during Compact negotiations; and,

WHEREAS, the Fort McDowell Yavapai Nation has determined that the proposed expansion of gaming by permitting non-Indian gaming off Indian lands by permitting racinos to operate is a violation of the 2002 Compact and is in opposition to the voters wishes as evidenced by their resounding rejection of racinos in 2001 state-wide election; and,

WHEREAS, the Fort McDowell Yavapai Nation has concluded that the proposed Tohono O'odham Nation Casino in Glendale Arizona does not reflect the intent of the negotiations for the 2002 Compact between the State and the Tribes and the amongst the Phoenix Metro Tribes; and

WHEREAS, the proposed Glendale casino does equate with the Tribe and State intent for limited gaming communicated to the voters on behalf of the 17 Tribe's initiative.

NOW THEREFORE, BE IT RESOLVED, that upon review and consideration of the State legislation proposing up to 5 racinos, the Fort McDowell Yavapai Nation states its opposition to the legislation as a violation of the 2002 Compact and the wishes of the voting citizens of the State of Arizona;

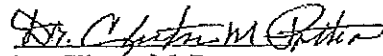
BE IT FURTHER RESOLVED, that the proposed Tohono O'odham casino to be located in the City of Glendale is opposed by the Fort McDowell Yavapai Nation as it is in opposition of the initiative prepared by the 17 Arizona Tribes and communicated to the voters of the State of Arizona that voted to approve that initiative.

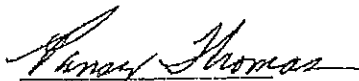
Resolution No. Ft. McD. 2009- 22 Cont. OPPOSING NON-INDIAN OFF RESERVATION GAMING AN TOHONO O'ODHAMS PROPOSED GLENDALE CASINO

FINALLY BE IT RESOLVED, that the Fort McDowell Yavapai Nation holds that it negotiated in good faith with the four Phoenix Metro Tribes, other Tribes, and with the State on machines, facility sizes and the number of Casino facilities to be located in the Phoenix Metro area; and, therefore oppose the proposed Glendale casino in that it is in opposition to the good faith efforts of the Tribal leaders to provide for economic development for their respective Tribes and their intent to communicate the Tribes' support of limited gaming to the voters of Arizona.

CERTIFICATION

Pursuant to the authority contained in Article V, Sections 13(A)(1) and (15), and 13(B)(1) and (2) of the Constitution of the Fort McDowell Yavapai Nation, ratified by the Tribe on October 19, 1999 and approved by the Secretary of the Interior on November 12, 1999, the foregoing Resolution was adopted this 10 day of March 2009 at a Special Tribal Council Meeting held at Fort McDowell at which a quorum of 4 members were present, 1 absent, by a vote of 3 for and 0 opposed and 0 abstained.


Dr. Clinton M. Pattea
President, Tribal Council


Pansy Thomas
Tribal Secretary

Date: 3/10/09