

RESOLUTION NO. 53 -09  
OF THE GOVERNING BODY OF THE  
YAVAPAI-APACHE NATION

A Resolution Opposing Off-Reservation and Non-Indian Gaming and Opposing a  
Proposed Casino Resort Development by the Tohono O'odham Nation

**WHEREAS:** The Yavapai-Apache Nation ("Nation") is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934, with Articles of Association (the "Articles") Yavapai-Apache Indian Community, Arizona, adopted October 24, 1936, and approved by the Secretary of the Interior on February 12, 1937, as amended June 21, 1947, and approved August 15, 1947.

**WHEREAS:** The Yavapai-Apache Tribal Council ("Council") is empowered to represent the Yavapai-Apache Nation and act on all matters that concern the health and welfare of the Nation, and to make decisions not inconsistent with or contrary to the Constitution of the Yavapai-Apache Nation; and

**WHEREAS:** The Council is the legislative body of the Nation empowered to enact laws, ordinances and resolutions incidental to the exercise of legislative powers as provided by Article V (v) of the Nation's Constitution; and

**WHEREAS:** The Council is the legislative body empowered to negotiate with other governments, manage the economic affairs of the Nation and its enterprises, and appropriate and regulate the use of the Nations funds, all pursuant to Article V(b), (i) and (k) respectively of its Constitution; and

**WHEREAS:** Representative Andrew M. Tobin (Arizona District 1) has announced his intentions to introduce legislation that would allow slot machines to be operated out of existing horse and dog track racing venues throughout the State of Arizona, converting the race and dog tracks into "racinos" and potentially allowing for 1,500 slots per race track; and

**WHEREAS:** Passage of any law allowing for racinos would directly violate the voter approved Proposition 202 which provides for Indian-gaming exclusivity in the State of Arizona, triggering the "poison pill" provision of the State of Arizona-Tribal gaming compacts, resulting in the elimination of Indian gaming restrictions on the number and type of games and gaming facilities a Tribe could operate, and severely reducing the amount of revenue Tribes pay to the State and local governments for needed programs; and

**WHEREAS:** In January 2009, the Tohono O'odham Nation announced its plans to develop a 1.2 million square foot casino and resort project within the

geographic boundaries of the City of Glendale, to include 150,000 square feet of gaming space, 1,089 gaming machines, 50 table games, 24 poker tables and a 1,000 seat bingo hall plus convention, hotel and retail space; and

**WHEREAS:** Development of the Tohono O'odham Nation casino resort, by virtue of its projected size and location within the City of Glendale, violates the spirit of Proposition 202 in that Tribes promised the People of the State of Arizona that Indian Gaming would be limited in size, scope and location and would operate exclusively on Indian reservation land; and

**WHEREAS:** Announcement of the Tohono O'odham Nation casino project has fueled support for off-reservation and non-Indian gaming horse and dog track racinos; and

**WHEREAS:** The prospect of racinos operating throughout the State of Arizona, along with the proposed development of the Tohono O'odham Nation casino resort, pose a direct and imminent threat to the economic viability of the Yavapai-Apache Nation's gaming operations as well as that of other Arizona Tribes, in particular the member Tribes of the Apache Rural Coalition, and would also negatively impact the State of Arizona and local communities who currently benefit from revenue sharing generated by Indian gaming; and

**WHEREAS:** On March 4, 2009, the Tribal Leadership of the Apache Rural Coalition met to discuss the threat of the proposed racinos and Tohono O'odham Nation casino resort project; and

**WHEREAS:** The Apache Rural Coalition shared mutual alarm over these developments and, as a result, identified several action items in response, including sending a joint Apache Rural Coalition letter to the Arizona Republic editorial section (*draft letter is attached as Exhibit A*) and sponsoring a voter survey within Maricopa County to measure whether the public opinion, either in favor or opposition to the horse and dog tracks being converted into racinos, is influenced by the proposed Tohono O'odham Nation casino resort development; and

**WHEREAS:** The voter survey is estimated to cost approximately \$20,000.00; the cost to be borne equally amongst the Apache Rural Coalition Tribes who choose to participate in the study; and

**WHEREAS:** The Council finds that it is in the best interest of the Nation to adopt unequivocal opposition to the development of any and all off-reservation and non-Indian gaming in the State of Arizona and equally opposes the proposed Tohono O'odham Nation casino project for the reasons stated herein.

**NOW THEREFORE BE IT RESOLVED**, that the Yavapai-Apache Nation Tribal Council, in Council assembled, at which a quorum is present, adopts unequivocally, the opposition to off-reservation and non-Indian gaming in the State of Arizona, presently proposed in the form of slot machines within horse and dog track race venues throughout the State.

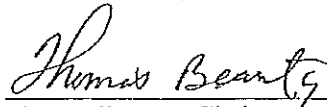
**BE IT FURTHER RESOLVED**, that the Yavapai-Apache Nation Tribal Council, in Council assembled, at which a quorum is present, opposes the proposed Tohono O'odham Nation casino project in that it violates the spirit of Proposition 202 thereby fueling support for off-reservation and non-Indian gaming.

**BE IT FURTHER RESOLVED**, that the Yavapai-Apache Nation Tribal Council, in Council assembled, at which a quorum is present, approves participation of the Nation in a voter survey targeted to measure whether the public opinion of Maricopa County regarding off-reservation, non-Indian gaming is influenced by the proposed Tohono O'odham Nation casino resort development, and furthermore, approves to share an equal prorated amount of the total cost, estimated at \$20,000.00, amongst the Apache Rural Coalition Tribes.

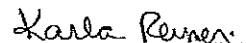
**BE IT FINALLY RESOLVED**, that the Yavapai-Apache Nation Tribal Council, in Council assembled, at which a quorum is present, approves and adopts the Joint Apache Rural Coalition letter, in the form attached as *Exhibit A*, and authorizes the Chairman to execute and deliver the attached letter, in its final form; to the editorial section of the Arizona Republic newspaper.

#### CERTIFICATION

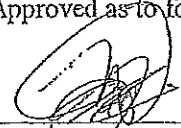
I hereby certify that the foregoing resolution was adopted by an affirmative vote of the Tribal Council, presented for approval on March 5 2009, by a vote of 7 in favor, 0 opposed and 0 abstaining, pursuant to the authority contained under the Constitution of the Yavapai-Apache Nation.

  
Thomas Beauty, Chairman

ATTEST:

  
Karla Reimer, Council Secretary

Approved as to form:

  
Linda Samels  
Assistant Attorney General