

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving State Electronic Access System Memorandum of Understanding)**

**RESOLUTION NO. 09-015**

1 **WHEREAS, the Legislative Council is vested with the power to “consult, negotiate and conclude**  
2 **agreements and contracts on behalf of the Tohono O’odham Nation with Federal, State**  
3 **and local governments and other Indian tribes or their departments, agencies, or**  
4 **political subdivisions, or with private persons or organizations on all matters within**  
5 **the authority of the Tohono O’odham Council” (Constitution of the Tohono O’odham**  
6 **Nation, Article VI, Section 1(f)); and**

7 **WHEREAS, by Resolution No. 02-562, the Tohono O’odham Nation approved, and authorized the**  
8 **Nation’s Chairman to enter into, a new Gaming Compact between the Tohono**  
9 **O’odham Nation and the State of Arizona (the “Compact”); and**

10 **WHEREAS, on December 4, 2002, the Nation’s Chairman entered into the Compact with the State**  
11 **of Arizona; and**

12 **WHEREAS, Under the Compact, the Arizona Department of Gaming shall be provided with “real**  
13 **time read-only electronic access to the on-line electronic game management system**  
14 **for each Gaming Facility ... to provide the State Gaming Agency a more effective and**  
15 **efficient means of regulating Gaming Devices and tracking revenues.” (Compact**  
16 **Section 3(b)(5)(A)); and**

17 **WHEREAS, the Compact further provides that the Arizona Department of Gaming’s access to the**  
18 **on-line electronic game management system must meet accepted industry standards**  
19 **for security sufficient to minimize the possibility of any third-party intercepting**  
20 **transmitted data, and to assure that transmitted data will not be accessible to**  
21 **unauthorized Persons or entities (Compact Section 3(b)(5)(A)(iii)); and**

22 **WHEREAS, the Compact further provides that the Arizona Department of Gaming (and its officers,**  
23 **employees and agents) are prohibited from using information obtained from the**  
24 **transmitted data “for any other purpose other than to carry out its duties under the**  
25 **Compact,” and from disclosing any information obtained from the transmitted data**  
26 **to any Person outside the Arizona Department of Gaming, except as provided in**  
27 **Sections 7(b) and 12(c) of the Compact (Compact Section 3(b)(5)(B)); and**

28 **WHEREAS, representatives of the Nation’s Office of Attorney General, Tohono O’odham Gaming**  
29 **Office, and Tohono O’odham Gaming Enterprise have participated with other Arizona**

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1 tribes in discussions with the Arizona Department of Gaming in order to implement  
2 the requirements and safeguards of Compact Section 3(b)(5) through a State Electronic  
3 Access System ("SEAS"); and

4 WHEREAS, the Legislative Commerce Committee, with the advice and assistance of the Nation's  
5 Office of Attorney General, Tohono O'odham Gaming Office, and Tohono O'odham  
6 Gaming Enterprise, recommends that the Nation enter into the *Memorandum of*  
7 *Understanding Regarding SEAS Between the Tohono O'odham Nation and the State of*  
8 *Arizona* (the "SEAS MOU") substantially in the form attached hereto.

9 NOW, THEREFORE, BE IT RESOLVED that the Legislative Council hereby approves the SEAS MOU.

10 BE IT FINALLY RESOLVED by the Legislative Council that it hereby authorizes and directs the  
11 Nation's Chairperson to timely enter into the SEAS MOU with the Arizona Department  
12 of Gaming, and to take all other actions consistent with this Resolution that are  
13 necessary to achieve full execution of the SEAS MOU; provided that no further  
14 approval, consent, notice, or filing shall be required from the Legislative Council for  
15 the Nation's Chairperson to enter into the SEAS MOU.

16 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07<sup>TH</sup>. Day  
17 of JANUARY, 2009 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0-  
18 AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Section  
19 1 (f) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono  
20 O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -  
21 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48  
22 Stat. 984).

23  
24 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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28 Verlon M. Jose, Legislative Chairman

29  
30 8 day of January, 2009

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33 ATTEST:

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37 Lucille Lopez, Acting Legislative Secretary

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39 07 day of January, 2009.  
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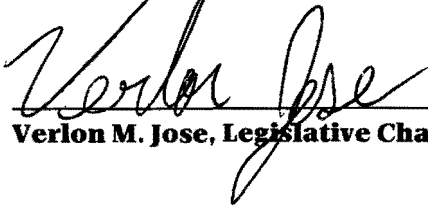
**(Approving State Electronic Access System Memorandum of Understanding)**

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 8 day of January, 2009 at 3:46 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

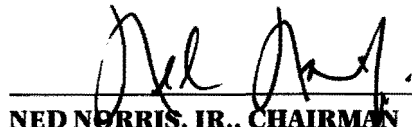
  
Verlon M. Jose, Legislative Chairman

APPROVED

on the 08 day of January, 2009

DISAPPROVED

at 3:56 o'clock, P..M.

  
NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 08 day of

January, 2009, at 4:00 o'clock, P..M.

  
Lucille Lopez, Acting Legislative Secretary

ACTION: APPROVING STATE ELECTRONIC ACCESS SYSTEM MEMORANDUM OF UNDERSTANDING

MOVED: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILWOMAN FRANCES CONDE

DATE: JANUARY 07, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> <b>316.9</b>	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE ( <i>Absent</i> ) (Vernon Smith) ( <i>Present</i> )	158.45	X			
<b>CHUKUT KUK</b> <b>264.8</b>	1. ETHEL GARCIA ( )	132.40	X			X
	2. VERLON M. JOSE ( )	132.40	X			
<b>GU ACHI</b> <b>227.9</b>	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ( )	113.95	X			X
<b>GU VO</b> <b>199.2</b>	1. GRACE MANUEL ( )	99.60	X			
	2. RAYMOND VICTOR ( )	99.60	X			X
<b>HICKIWAN</b> <b>172.0</b>	1. MICHELLE ORTEGA ( )	86.00	X			
	2. SANDRA ORTEGA ( )	86.00	X			X
<b>PISINEMO</b> <b>182.4</b>	1. CHESTER ANTONE (Tony Murrietta)	91.20	X			
	2. GERALD FAYUANT ( )	91.20	X			
<b>SAN LUCY</b> <b>181.1</b>	1. LORRAINE EILER ( )	90.55	X			
	2. GLORIA RAMIREZ ( )	90.55	X			
<b>SAN XAVIER</b> <b>196.5</b>	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25	X			
<b>SCHUK TOAK</b> <b>154.6</b>	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
<b>SELLS</b> <b>444.7</b>	1. KIMBERLY LISTO ( )	222.35	X			
	2. EVELYN B. JUAN MANUEL ( )	222.35	X			
<b>SIF OIDAK</b> <b>194.4</b>	1. WAVALENE ROMERO ( )	97.20	X			
	2. MARY LOPEZ ( )	97.20	X			
<b>TOTAL</b>		<b>2,534.5</b>	<b>2,534.4</b>	<b>-0-</b>	<b>-0-</b>	<b>[04]</b>

\*\*PASSED VOTES