

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing Memorandum of Understanding with the
National Indian Gaming Commission)**

RESOLUTION NO. 93-312

WHEREAS, by Resolution 93-296, the Legislative Council approved the Ordinance for the Regulation of Gaming Activities within the Tohono O'Odham Nation (the "Gaming Ordinance"); and

WHEREAS, Section 1001 of the Gaming Ordinance requires the Tohono O'Odham Gaming Office to have in place a system for conducting background investigations of every applicant for licensing under the Gaming Ordinance, which system must comply with the requirements of the Gaming Ordinance, the Tribal-State Gaming Compact, and the Indian Gaming Regulatory Act and all regulations promulgated pursuant thereto; and

WHEREAS, regulations enacted by the National Indian Gaming Commission (the "Commission") require that as part of the background investigation, a law enforcement agency must obtain each applicant's fingerprints and secure a check of criminal history record information maintained by the Federal Bureau of Investigation (25 C.F.R. §522.2; 58 Fed. Reg. 5811, as amended by 58 Fed. Reg. 16494); and

WHEREAS, pursuant to Bulletin No. 93-2, the Commission has notified the Nation that pursuant to the FBI Policy on Indian Gaming

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Regulatory Act Submissions by the National Indian Gaming Commission, State Identification Bureaus, and Tribal Governments, the FBI has determined that it will not process fingerprint cards and requests for criminal history record information related to Indian gaming operations which are submitted by the Bureau of Indian Affairs, but will process such requests submitted by the Commission if a memorandum of understanding is entered into with the Commission; and

WHEREAS, the Nation previously had been processing its gaming-related criminal history background investigation requests with BIA Law Enforcement Services, which, in turn, submitted them to the FBI; and

WHEREAS, it is now necessary to identify an alternative means to process this portion of the background investigation.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The Nation's Chairman is authorized and directed to execute the Memorandum of Understanding with the Commission in the form attached hereto.**
- 2. The Tohono O'Odham Police Department is hereby designated as the law enforcement agency which will be**

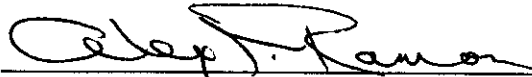
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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 21st day of September, 1993 at 1:14 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

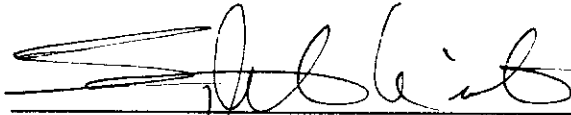
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Alex J. Ramon, Legislative Chairman

APPROVED on the 21 day of September, 1993

DISAPPROVED) at 7:06 o'clock, P.M.



SYLVESTER LISTO, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 22nd day of September,
1993, at 12:01 o'clock, P.M.



Teresa M. Choyguha, Legislative Secretary

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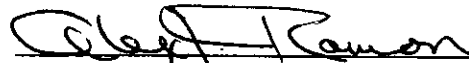
taking the fingerprints of gaming license applicants.

3. The Tohono O'Odham Gaming Office is hereby designated as the recipient of the criminal history record information from the Commission for purposes of making licensing determinations in accordance with the Gaming Ordinance.

4. The Tohono O'Odham Police Department and the Tohono O'Odham Gaming Office shall do everything reasonably necessary to implement the Memorandum of Understanding.

The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 14TH day of SEPTEMBER, 1993 at a meeting at which a quorum was present with a vote of 1,628.0 FOR; -0- AGAINST; -0- NOT VOTING; and 135.0 [03] ABSENT, pursuant to the powers vested in the Council by Section 1(f) of Article VI of the Constitution of the Tohono O'Odham 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).

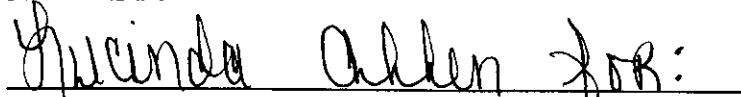
TOHONO O'ODHAM LEGISLATIVE COUNCIL



Alex J. Ramon, Legislative Chairman

21st day of September, 1993

ATTEST:



Teresa M. Choyguha, Legislative Secretary

21st day of September, 1993

ACTION: AUTHORIZING MEMORANDUM OF UNDERSTANDING WITH THE NATIONAL INDIAN GAMING COMMISSION

MOVED: COUNCILMAN EARL A. FRANCISCO

SECOND: COUNCILMAN ALBERT MANUEL, JR.

DATE: SEPTEMBER 14, 1993

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 151.0	1. WILLARD JUAN, SR. (Delbert Thomas)	75.5	X			
	2. MARY ANN ANTONE (Nellie Miguel)	75.5	X			X
SELLS 290.0	1. ANDREW M. PATRICIO (Lucille Encinas)	145.0	X			
	2. JOSEPH T. JOAQUIN (Allen W. Garica, Jr.)	145.0	X			
SCHUK TOAK 113.0	1. FRANCES FRANCISCO ()	56.5	X			
	2. KENNETH J. ANTONE ()	56.5	X			
SAN XAVIER 135.0	1. EUGENE ENIS, SR. ()	67.5				X
	2. DENNIS RAMON ()	67.5				X
BABOQUIVARI 230.0	1. FRANCES MIGUEL ()	115.0	X			
	2. EARL A. FRANCISCO (Lucilda Norris)	115.0	X			
GU ACHI 180.0	1. WILLARD ANITA ()	90.0	X			
	2. ALEX J. RAMON (Marian Johnson)	90.0	X			
PISINEMO 128.0	1. CHESTER ANTONE (Fernando Valentine)	64.0	X			
	2. JOHNSON M. JOSE (Roscleen Antone)	64.0	X			
SAN LUCY 98.0	1. JOHN RENO ()	49.0	X			
	2. ALBERT MANUEL, JR. (Ernestine Marquez)	49.0	X			
GU VO 124.0	1. EMILIO LEWIS ()	62.0	X			
	2. MICHAEL FLORES (Fern Salcido)	62.0	X			
HICKIWAN 136.0	1. MANUEL OSEQUEDA, JR. ()	68.0	X			
	2. LLOYD FRANCISCO (Henry A. Ramon)	68.0	X			
CHUKUT KUK 178.0	1. ALBERTA M. LOPEZ ** (Berdella Jose)	89.0	X			
	2. KENNETH WILLIAMS ()	89.0	X			
TOTAL		1,763.0	1,628.0	-0-	-0-	135.0 [03]

****PASSED VOTES**