

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Memorandum of Understanding with the
Arizona State Gaming Agency)**

RESOLUTION NO. 94-285

WHEREAS, by Resolution No. 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, pursuant to Chapter 4 of the Gaming Ordinance, the Tohono O'odham Gaming Office was established as the Executive Branch department with regulatory authority over gaming activities conducted within the Nation; and

WHEREAS, Section 1001 of the Gaming Ordinance requires the 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

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maintained by the Federal Bureau of Investigations (25 C.F.R. §522.2; 58 Fed. Reg. 5811, as amended by 58 Fed. Reg 16494); and

WHEREAS, for implementation of these background investigation requirements, the Gaming Office submits each applicant's fingerprints to the Commission for processing with the FBI in accordance with the Memorandum of Understanding authorized by Resolution No. 93-312; and

WHEREAS, pursuant to the Compact, the Arizona State Gaming Agency conducts a background investigation on all applicants for tribal licensing, and non-member applicants for tribal licensing must receive an additional certification from the State Gaming Agency; and

WHEREAS, pursuant to state law, the State Gaming Agency is unable to conduct background investigations unless the applicant's fingerprints are submitted to the Arizona Department of Public Safety; and

WHEREAS, the Gaming Office recommends that the procedure for conducting background investigations be amended to allow for the submission of only one set of fingerprints

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rather than the current procedure which, in some cases, requires the submission of two sets of fingerprints; and

WHEREAS, the Gaming Office has negotiated a Memorandum of Understanding with the State Gaming Agency, a copy of which is attached hereto and incorporated herein by reference, which provides for the efficient processing of applicant fingerprints and assures that the Gaming Office shall be provided complete criminal history record information on each applicant for purposes of making an independent and informed determination as to an applicant's suitability for licensing.

NOW, THEREFORE, BE IT RESOLVED THAT

- 1. The Nation's Chairman is authorized and directed to execute the Memorandum of Understanding with the Arizona State Gaming Agency in the form attached hereto.**
- 2. The Tohono O'odham Police Department is designated as the law enforcement agency which will be taking the fingerprints of gaming license applicants.**

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3. The Tohono O'odham Gaming Office, and its Executive Director, are designated as the recipients of the criminal history record information for purposes of making licensing determinations in accordance with the Gaming Ordinance, the Compact and the Indian Gaming Regulatory Act.

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 JULY, 1994 at a meeting at which a quorum was present with a vote of 1,763.0 FOR; -0- AGAINST; -0- NOT VOTING; and 02 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

15th day of July, 1994

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ATTEST:


Teresa M. Choyguha, Legislative Secretary

15th day of July, 1994.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 15th day of July, 1994 at 5:30 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 18 day of July, 1994

DISAPPROVED at 2:20 o'clock, P.M.


SYLVESTER LISTO, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 19th day of

July, 1994, at 9:00 o'clock, A.M.


Teresa M. Choyguha, Legislative Secretary

ACTION: APPROVING MEMORANDUM OF UNDERSTANDING WITH THE ARIZONA STATE GAMING AGENCY
Moved: COUNCILMAN EUGENE ENIS **SECOND:** COUNCILMAN ANDREW PATRICIO
DATE: JULY 14, 1994

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. Garcia, 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 ()	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 (Roseleen 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 ()	68.0	X			
CHUKUT KUK 178.0	1. (VACANT)	89.0	X			X
	2. KENNETH WILLIAMS ()	89.0	X			
TOTAL		1,763.0	1,763.0	-0-	-0-	02

****PASSED VOTES**