

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving 2012 State Electronic Access System Memorandum of Understanding)

RESOLUTION NO. 12-285

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 Nation approved, and authorized the Nation’s Chairman**
8 **to enter into, a new Gaming Compact between the Tohono O’odham Nation and the**
9 **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, subsequent to the execution of the Compact with the State of Arizona, representatives**
29 **of the Nation’s Office of Attorney General, Tohono O’odham Gaming Office, and**
30 **Tohono O’odham Gaming Enterprise participated with other Arizona tribes in**
31 **discussions with the Arizona Department of Gaming in order to implement the**

RESOLUTION NO. 12-285

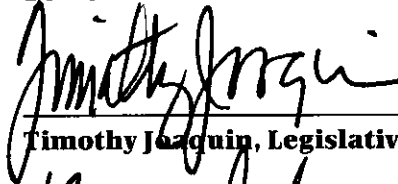
(Approving 2012 State Electronic Access System Memorandum of Understanding)

Page 2 of 3

1 requirements and safeguards of Compact Section 3(b)(5) through a State Electronic
2 Access System ("SEAS"); and
3 **WHEREAS, by Resolution No. 09-015, the Nation approved, and authorized the Nation's Chairman**
4 **to enter into, a *Memorandum of Understanding Regarding SEAS Between the Tohono***
5 ***O'odham Nation and the State of Arizona* (the "SEAS MOU"); and**
6 **WHEREAS, on January 20, 2009, the Nation's Chairman entered into the SEAS MOU with the**
7 **Arizona Department of Gaming; and**
8 **WHEREAS, representatives of the Nation's Office of Attorney General, Tohono O'odham Gaming**
9 **Office, and Tohono O'odham Gaming Enterprise have negotiated additional terms to**
10 **the SEAS MOU with the Arizona Department of Gaming; and**
11 **WHEREAS, the Legislative Commerce Committee, with the advice and assistance of the Nation's**
12 **Office of Attorney General, Tohono O'odham Gaming Office, and Tohono O'odham**
13 **Gaming Enterprise, recommends that the Nation approve a new *Memorandum of***
14 ***Understanding Regarding SEAS Between the Tohono O'odham Nation and the State of***
15 ***Arizona* (the "2012 SEAS MOU") along with a letter of acknowledgement and agreement**
16 **regarding the 2012 SEAS MOU ("2012 SEAS MOU Acknowledgment and Agreement**
17 **Letter") substantially in the form attached hereto.**
18 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it hereby**
19 **approves the 2012 SEAS MOU and 2012 SEAS MOU Acknowledgment and Agreement**
20 **Letter.**
21 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that it hereby authorizes and**
22 **directs the Nation's Chairperson to timely enter into the 2012 SEAS MOU and 2012 SEAS**
23 **MOU Acknowledgment and Agreement Letter with the Arizona Department of Gaming,**
24 **and to take all other actions consistent with this Resolution that are necessary to**
25 **achieve full execution of the 2012 SEAS MOU; provided that no further approval,**
26 **consent, notice, or filing shall be required from the Legislative Council for the Nation's**
27 **Chairperson to enter into the 2012 SEAS MOU and 2012 SEAS MOU Acknowledgment**
28 **and Agreement Letter.**
29 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 10TH Day**
30 **of JULY, 2012 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0- AGAINST;**
31 **-01- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Section 1 (1)**
32 **of Article VI of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham**
33 **Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs**
34 **(Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**
35

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

13 day of July, 2012

ATTEST:

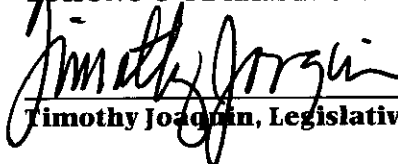


Evonne Wilson, Legislative Secretary

12 day of July, 2012

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 13 day of July, 2012 at 10:19 o'clock, A.M., pursuant to the provisions of Section 4 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



Timothy Joaquin, Legislative Chairman

APPROVED

on the 13 day of July, 2012

DISAPPROVED

at 1:35 o'clock, P.M.


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

Returned to the Legislative Secretary on the 13 day of

July, 2012, at 2:49 o'clock, P.M.



Evonne Wilson, Legislative Secretary

ACTION: APPROVING 2012 STATE ELECTRONIC ACCESS SYSTEM MEMORANDUM OF UNDERSTANDING

MOVED: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILWOMAN EVELYN JUAN MANUEL

DATE: JULY 12, 2012

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	171.0	X			X
CHUKUT KUK 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X			
	2. BILLMAN LOPEZ ()	151.10	X			
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN ()	122.45	X			
	2. CYNTHIA E. MANUEL <i>(Absent)</i> (Louis L. Johnson) <i>(Present)</i>	122.45	X			X
GU VO 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X			
	2. PAMELA ANGHILL ()	113.35	X			
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ()	93.15	X			
PISINEMO 200.7	1. CHESTER ANTONE (Tony Murrietta)	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X		X	
SAN LUCY 204.6	1. LORRAINE EILER ()	102.30	X			X
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
SAN XAVIER 215.8	1. HILARION CAMPUS <i>(Absent)</i> (Racheal Vilson-Stoner) <i>(Present)</i>	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X			
SCHUK TOAK 169.8	1. FRANCES B. STEPHENS (Anthony J. Rios)	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
SELLS 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85	X			
	2. EVELYN B. JUAN MANUEL ()	237.85	X			
SIF OIDAK 211.9	1. NICHOLAS JOSE ()	105.95	X			
	2. MARY LOPEZ ()	105.95	X			
TOTAL		2,780.60	2,780.60	-0-	-01-	[03]