

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

RESOLUTION NO. 09-245

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, under Section 7(c) of the Tohono O’odham Nation and State of Arizona Gaming  
8 Compact (“Compact”), the Nation and the State of Arizona may enter into an  
9 agreement allowing for the destruction of certain records of the Tohono O’odham  
10 Gaming Office and the Tohono O’odham Gaming Enterprise prior to the times for  
11 preservation otherwise provided for under the Compact; and

12 WHEREAS, the Tohono O’odham Gaming Enterprise has requested that the Nation enter into an  
13 agreement with the State of Arizona to allow for the destruction of certain records  
14 prior to the times otherwise provided for under the Compact; and

15 WHEREAS, the Tohono O’odham Gaming Office recommends that the Nation enter into an  
16 agreement with the State of Arizona allowing for the destruction of certain records  
17 after the expiration of five years from the date such records were created; and

18 WHEREAS, the Legislative Commerce Committee, with the advice and assistance of the Nation’s  
19 Office of Attorney General and Tohono O’odham Gaming Office, recommends that the  
20 Nation enter into the *Memorandum of Understanding Between the Tohono O’odham*  
21 *Nation and the State of Arizona Pertaining to Records Retention* (the “Records  
22 Retention MOU”) substantially in the form attached hereto.

23 NOW, THEREFORE, BE IT RESOLVED that the Legislative Council hereby approves the Records  
24 Retention MOU.

25 BE IT FINALLY RESOLVED by the Legislative Council that it hereby authorizes and directs the  
26 Nation’s Chairperson to timely enter into the Records Retention MOU with the Arizona  
27 Department of Gaming, and to take all other actions consistent with this Resolution  
28 that are necessary to achieve full execution of the Records Retention MOU.

29 The foregoing Resolution was passed by the Tohono O’odham Legislative Council on the 06<sup>TH</sup>. Day  
30 of MAY, 2009 at a meeting at which a quorum was present with a vote of 2,089.0 FOR; 249.0 AGAINST;  
31 196.5 NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Section 1 (f)  
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).

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TOHONO O'ODHAM LEGISLATIVE COUNCIL

Felicia Muniz for  
Verlon M. Jose, Legislative Chairman  
15<sup>th</sup> day of May, 2009

ATTEST:

Evonne Wilson  
Evonne Wilson, Legislative Secretary

16 day of May, 2009.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 15<sup>th</sup> day of May, 2009 at 4:52 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

Felicia Muniz for  
Verlon M. Jose, Legislative Chairman

APPROVED on the 19 day of May, 2009

DISAPPROVED at 10:27 o'clock, a.M.

Ned Norris, Jr.  
NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 18 day of  
May, 2009, at 12:55 o'clock, p.M.

Evonne Wilson  
Evonne Wilson, Legislative Secretary

ACTION: APPROVING RECORDS RETENTION MEMORANDUM OF UNDERSTANDING WITH THE STATE OF ARIZONA

MOVED: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILMAN TIMOTHY JOAQUIN

DATE: MAY 06, 2009

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE (Vernon Smith)	158.45		X		
CHUKUT KUK 264.8	1. ETHEL GARCIA ( )	132.40	X			
	2. VERLON M. JOSE ( )	132.40	X			
GU ACHI 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ( )	113.95	X			
GU VO 199.2	1. GRACE MANUEL ( )	99.60	X			X
	2. RAYMOND VICTOR ( )	99.60	X			
HICKIWAN 172.0	1. MICHELLE ORTEGA ( )	86.00	X			
	2. SANDRA ORTEGA (Louie Lopez)	86.00	X			X
PISINEMO 182.4	1. CHESTER ANTONE (Tony Murrietta)	91.20	X			
	2. GERALD FAYUANT ( )	91.20	X			
SAN LUCY 181.1	1. LORRAINE EILER ( )	90.55	X			
	2. GLORIA RAMIREZ ( )	90.55		X		
SAN XAVIER 196.5	1. FELICIA NUÑEZ ( )	98.25			X	X
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	98.25			X	
SCHUK TOAK 154.6	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
SELLS 444.7	1. KIMBERLY LISTO ( )	222.35	X			
	2. EVELYN B. JUAN MANUEL ( )	222.35	X			
SIF OIDAK 194.4	1. WAVALENE ROMERO ( )	97.20	X			
	2. MARY LOPEZ ( )	97.20	X			
<b>TOTAL</b>		<b>2,534.5</b>	<b>2,089.0</b>	<b>249.0</b>	<b>196.5</b>	<b>[03]</b>

\*\*PASSED VOTES