APR 16 2010

Timothy Williams, Chairman
Fort Mojave Indian Tribe
c/o David A. Wolff, General Counsel
8490 S. Highway 95, Suite 105
Mojave Valley, AZ 86440

Re: Fort Mojave Indian Tribe gaming ordinance, Resolutions 2010-05 and 2010-09

Dear Chairman Williams:

This is in response to your request for review and approval of two amendments to the Fort Mojave Indian Tribe gaming ordinance enacted by Resolutions No. 2010-05 and 2010-09 on February 13, 2010, and March 23, 2010, respectively. The amendments change the age requirement to play Class II and III games from 18 to 21 years old and update the background investigation and gaming license requirements of 25 C.F.R. § 556 and 558. The changes are consistent with the requirements of the Indian Gaming Regulatory Act (IGRA) and this agency's regulations and are therefore approved.

Thank you for submitting the amended ordinance for review and approval. The NIGC staff looks forward to working with you and the tribe on future gaming issues. If you have any questions or require assistance, please contact Dorinda Strmiska, Staff Attorney, at (202) 632-7003

Sincerely,

George Skibine
Acting Chairman

**Resolution No. 2010-09**

APR - 5 2010

# RESOLUTION

## FORT MOJAVE TRIBE OF THE FORT MOJAVE RESERVATION OF ARIZONA, CALIFORNIA AND NEVADA

**WHEREAS,** the Fort Mojave Indian Tribe ("Tribe") is organized pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. §476) and possesses attributes of sovereignty over both its members and its territory; and

**WHEREAS,** in accordance with its Constitution and Bylaws, the Tribe is governed by the Fort Mojave Tribal Council; and

**WHEREAS,** the Tribal Council, on or about February 15, 1994, adopted as Tribal law the Fort Mojave Indian Tribe Gaming Ordinance (As Amended, 1994) ("Gaming Ordinance"); and

**WHEREAS,** the Tribal Council desires to amend Section 14.C.(2) of the Gaming Ordinance so as to comport with 25 C.F.R. §§556.2 and 556.3, as well as to amend Section 14.D. of the Gaming Ordinance so as to comport with 25 C.F.R. §§558.1(c) and 558.4.

**NOW, THEREFORE, BE IT RESOLVED,** that the Fort Mojave Tribal Council hereby amends the Fort Mojave Indian Tribe Gaming Ordinance (As Amended, 1994) such that subsection (2) of Section 14.C. (Primary Management Officials and Key Employees; License Application; Notices) shall read in its entirety as follows:

"(2) The application form shall include the following notices:

a. Privacy Notice: In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by the National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or

prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the issuance, denial, or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to license you for a primary management official or key employee position.

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.

b. Notice Regarding False Statements: A false statement on any part of your license application may be grounds for denying a license or the suspension or revocation of a license. Also, you may be punished by fine or imprisonment (U.S. Code, title 18, section 1001).

In the event that 25 C.F.R. §556.2, 25 C.F.R. §556.3 and/or any other Federal regulation shall hereinafter be modified so as to require that the notice(s) set forth in subparts a. and/or b. above be amended, the Tribal Gaming Commission is authorized to so amend said notice(s) and/or the subject application form by promulgation of Tribal Gaming Commission regulation(s) so that said notice(s) comport with any such Federal regulation modification."

**BE IT FURTHER RESOLVED,** that the Fort Mojave Tribal Council hereby amends the Fort Mojave Indian Tribe Gaming Ordinance (As Amended, 1994) so as to add new subsections (7) and (8) to Section 14.D. (Primary Management Officials and Key Employees; Background Investigations; Report) to read in their entirety as follows:

"(7) If, within the 30-day period described in 25 C.F.R. §558.3(c), the National Indian Gaming Commission notifies the Tribal Gaming Commission that it has no objection to the issuance of a license pursuant to a license application filed by a Key Employee or a Primary Management Official for whom the Tribal Gaming Commission has provided an application and investigative report to the National Indian Gaming Commission pursuant to 25 C.F.R. §558.3(a) and (b), the Tribal Gaming Commission may go forward and issue a license to such applicant.

If, within the 30-day period described in 25 C.F.R. §558.3(c), the National Indian Gaming Commission provides the Tribal Gaming Commission with a statement itemizing objections to

the issuance of a license to a Key Employee or to a Primary Management Official for whom the Tribal Gaming Commission has provided an application and investigative report to the National Indian Gaming Commission pursuant to 25 C.F.R. §558.3(a) and (b), the Tribal Gaming Commission shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribal Gaming Commission shall make the final decision whether to issue a license to such applicant.

(8) Unless the applicable Compact allocates responsibility to an entity other than the Tribe, for Primary Management Officials or Key Employees, the Tribal Gaming Commission shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment."

**BE IT FURTHER RESOLVED,** that the foregoing amendment to the Fort Mojave Indian Tribe Gaming Ordinance (As Amended, 1994) shall become effective upon approval by the Chairman of the National Indian Gaming Commission in accordance with the Indian Gaming Regulatory Act, 25 U.S.C. §§ 2701 et.seq.

**BE IT FURTHER RESOLVED,** that the Chairman of the Fort Mojave Tribal Council is authorized to take any and all actions necessary to implement this Resolution.

## CERTIFICATION

We, the undersigned, as Chairman and Secretary of the Fort Mojave Tribal Council, governing body of the Fort Mojave Indian Tribe, do hereby certify that the Fort Mojave Tribal Council is composed of seven (7) members of whom four (4) constituting a quorum were present at a meeting duly held on March 23, 2010, and that the foregoing Resolution was adopted by the affirmative vote of __7__ members for and __0___ members against.

**FORT MOJAVE TRIBAL COUNCIL**

**Timothy Williams, Chairman**

**Colleen Garcia, Secretary**

RES-GamingOrdinanceAmend_031510

Resolution No. 2010-05

FEB 25 2010

# RESOLUTION

## FORT MOJAVE TRIBE OF THE FORT MOJAVE RESERVATION OF ARIZONA, CALIFORNIA AND NEVADA

**WHEREAS,** the Fort Mojave Indian Tribe ("Tribe") is organized pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. §476) and possesses attributes of sovereignty over both its members and its territory; and

**WHEREAS,** in accordance with its Constitution and Bylaws, the Tribe is governed by the Fort Mojave Tribal Council; and

**WHEREAS,** the Tribal Council, on or about February 15, 1994, adopted as Tribal law the Fort Mojave Indian Tribe Gaming Ordinance (As Amended, 1994) ("Gaming Ordinance"); and

**WHEREAS,** the Tribe, on or about August 26, 1993, entered into a Class III Gaming Compact ("Compact") with the State of Arizona pursuant to the terms of the Indian Gaming Regulatory Act, 25 U.S.C. §§ 2701 et.seq.; and

**WHEREAS,** Section 3(w)(2) of the Compact states that the Tribe shall enact as Tribal law a requirement that no person under 21 years of age shall be permitted to place any wager in any gaming activity; and

**WHEREAS,** the Tribal Council desires to amend Section 8(1) of the Gaming Ordinance so as to comport with Section 3(w)(2) of the Compact.

**NOW, THEREFORE, BE IT RESOLVED,** that the Fort Mojave Tribal Council hereby amends the Fort Mojave Indian Tribe Gaming Ordinance (As Amended, 1994) such that subsection (1) of Section 8 (Minors, Employees Prohibited) shall read in its entirety as follows:

> "(1) No person under 21 years of age shall be permitted to place any wager, directly or indirectly, in any gaming activity and/or to otherwise play or participate in any Class II or Class III game."

**BE IT FURTHER RESOLVED,** that the foregoing amendment to the Fort Mojave Indian Tribe Gaming Ordinance (As Amended, 1994) shall become effective upon approval by the Chairman of the National Indian Gaming Commission in accordance with the Indian Gaming Regulatory Act, 25 U.S.C. §§ 2701 et.seq.

**BE IT FURTHER RESOLVED,** that the Chairman of the Fort Mojave Tribal Council is authorized to take any and all actions necessary to implement this Resolution.

## CERTIFICATION

We, the undersigned, as Chairman and Secretary of the Fort Mojave Tribal Council, governing body of the Fort Mojave Indian Tribe, do hereby certify that the Fort Mojave Tribal Council is composed of seven (7) members of whom four (4) constituting a quorum were present at a meeting duly held on February 13 2010, and that the foregoing Resolution was adopted by the affirmative vote of 6 members for and 0 members against.

**FORT MOJAVE TRIBAL COUNCIL**

**Timothy Williams, Chairman**

**Colleen Garcia, Secretary**

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