



APR 11 2002

William M. Fisher, Executive Director
Fort McDowell Tribal Gaming Office
P.O. Box 17891
Fountain Hills, AZ 85269

RE: Fort McDowell Yavapai Nation Gaming Ordinance (Amendments)

Dear Mr. Fisher:

This letter responds to your request to review and approve two amendments to the Fort McDowell Yavapai Nation Gaming Ordinance (Amendments). The Tribe by Resolution Nos. 2002-13 and 2002-15 on March 5, 2002, adopted the Amendments. This letter constitutes approval under the Indian Gaming Regulatory Act (IGRA).

Thank you for submitting the Amendments to the tribal gaming ordinance of the Fort McDowell Yavapai Nation. The NIGC staff and I continue to look forward to working with you and the Nation in implementing the IGRA.

Sincerely yours,

A handwritten signature in black ink that reads "Montie R. Deer". The signature is written in a cursive style.

Montie R. Deer
Chairman



Fort McDowell Yavapai Nation

P.O. Box 17779, Fountain Hills, AZ 85269

Phone (480) 837-5121

Fax (480) 837-1630



President Dr. Clinton M. Pattee

Vice President Robin Russell

Treasurer Larry Doka

Council Member Gwen Bahe

Council Member Benedict Smith, Sr.

Resolution No. Ft.McD 2002- 13

WHEREAS, Fort McDowell Yavapai Nation ("Nation")(formerly known as the Fort McDowell Mohave-Apache Indian Community) is a sovereign governmental entity governed by a Constitution and its governing body is known as the Fort McDowell Yavapai Nation Tribal Council; and

WHEREAS, The Nation is committed to furthering the self sufficiency, economic development, and self-governance of the Nation and furthering the well being of the Nation's members; and

WHEREAS, The Nation owns and operates a subordinate economic enterprise known as the Fort McDowell Casino ("Casino"), and the Nation regulates the Casino through a separate division known as the Tribal Gaming Office; and

WHEREAS, The authority of the Tribal Gaming Office to regulate the Casino is contained the Nations's Gaming Ordinance and the Tribal-State Compact with the State of Arizona.

WHEREAS, The Gaming Ordinance currently requires that all persons who supply goods or services in an amount in excess of \$10,000 in any single month be licensed by the Tribal Gaming Office; and

WHEREAS, In order to promote self-sufficiency and self-governance of the Nation, the Nation desires to provide the Tribal Gaming Office with expanded licensing authority over certain supplies of goods and services to the Casino who are not currently required to be licensed either under the Gaming Ordinance or the Tribal-State Compact; and

WHEREAS, The Nation believes that the rules and regulations governing this additional licensing authority over vendors supplying a lesser amount of goods or services are best left to internal regulations of the Tribal Gaming Office that can be amended and revised as needed; and

NOW, THEREFORE, BE IT RESOLVED, that the Fort McDowell Yavapai Nation Tribal Council approves the following amendment to the Gaming Ordinance of the Fort McDowell Yavapai Nation:

Add a new section 11(a)(vi) as follows:

For each person providing goods or services within or without the Gaming Facility, and their Principals, who are not licensed pursuant to subsection (a)(v) above, the Tribal Gaming Office may

require the person to obtain a Class B vendor license. Applicants for Class B vendor licenses are not subject to all of the procedures and requirements applicable to other licenses set forth in this Ordinance. The Tribal Gaming Office shall promulgate, review and revise (as necessary) appropriate separate regulations to govern the Class B vendor license process and requirements.


BE IT FURTHER RESOLVED, that the Tribal Council authorizes the President or his authorized representative to execute any required document in order to accomplish this amendment.

CERTIFICATION

Pursuant to the authority contained in Article V, Sections 13(A)(2)(3)(6) and 13(B)(1)(2) of the Constitution of the Fort McDowell Yavapai Nation, ratified by the Tribe on October 19, 1999, the foregoing Resolution No. Fort MCD 2002-13 was adopted on this 5 day of March, 2002, at a Special Community Council meeting held at the Fort McDowell Yavapai Nation, at which a quorum of 4 members were present and 1 were absent by a vote of 3 for and 0 opposed and 0 abstained.


Dr. Clinton M. Pattea
President, Tribal Council

Date: 3/5/02


Pansy Thomas, Secretary



Fort McDowell Yavapai Nation

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President Dr. Clinton M. Pattee

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Resolution No. Ft. McD 2002- 15

- WHEREAS, the Fort McDowell Yavapai Nation is a federally recognized Indian tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934; and
- WHEREAS, the Fort McDowell Yavapai Nation, pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. Section 2701 et seq., and its inherent sovereignty, owns and operates a tribal gaming casino, currently known as "Fort McDowell Casino," located entirely within the exterior boundaries of the Fort McDowell Yavapai Nation; and
- WHEREAS, the Fort McDowell Casino purchases goods and services from a variety of individuals and corporate vendors, who, pursuant to the a Compact between the State of Arizona and the Fort McDowell Yavapai Nation and the Tribal Gaming Ordinance, may be required to be licensed or permitted by the Fort McDowell Yavapai Nation to do business with the casino; and
- WHEREAS, the Fort McDowell Yavapai Nation, pursuant to the Indian Gaming Regulatory Act, has enacted a Gaming Ordinance, which provides for the Fort McDowell Yavapai Nation's Tribal Gaming Office to conduct background investigations related to applicants for employment in gaming and non-gaming positions at the casino, Tribal regulatory positions within the Nation, as well as background investigations relating to applicants for vendor licenses, as required by the Compact and Tribal Gaming Ordinance for the purpose of tribal licensing or permitting said individuals; and
- WHEREAS, the Arizona Department of Public Safety maintains a central state repository for the purpose of maintaining information concerning events and convictions of persons for public offenses in Arizona; and
- WHEREAS, the Arizona Department of Public Safety is authorized, pursuant to A.R.S. Section 41-1750, to provide criminal history information to the Fort McDowell Yavapai Nation to enable the Nation, through its Tribal Gaming Office, to evaluate prospective or current licensees, employees, volunteers, and contract employees; and
- WHEREAS, the Federal Bureau of Investigation (FBI) is authorized, pursuant to Public Law 92-544, to exchange identification records with officials of the state and local governments for employment or licensing purposes; and
- WHEREAS, the Fort McDowell Yavapai Nation, through its Tribal Gaming Office, wishes to obtain state and federal criminal history records investigation information from the Arizona Department of Public Safety, which information is to be used solely for the

purpose of background checks conducted by the Tribal Gaming Office to determine whether or not to issue tribal licenses or permits for gaming employees, and non-gaming employees of the Fort McDowell Yavapai Nation tribal casino, tribal regulatory positions within the Nation, and tribal vendors and their principles; and

NOW, THEREFORE, BE IT RESOLVED, that each applicant for a gaming position at the gaming casino owned by the Fort McDowell Yavapai Nation, each applicant for any non-gaming position at said casino, each applicant for a tribal regulatory position within the Nation, each applicant for tribal vendor license and each principle of said vendor applicant, as may be required to be tribal licensed or permitted by the Gaming Ordinance or Compact, shall submit a full set of fingerprints to the Nation through its Tribal Gaming Office for the purpose of obtaining a federal criminal records check through the Arizona Department of Public Safety. The Arizona Department of Public Safety is authorized to exchange this fingerprint data with the Federal Bureau of Investigation: and

BE IT FURTHER RESOLVED, that the Fort McDowell Yavapai Nation, through its Tribal Gaming Office, hereby requests the Arizona Department of Public Safety to furnish to the Nation, through its Tribal Gaming Office, state and federal criminal history records investigations information which information is to be used solely for the purpose of the background checks conducted by the Tribal Gaming Office to determine whether or not to issue tribal licenses or permits for gaming employees and non-gaming employees of the Fort McDowell Yavapai Nation casino, whether or not to issue tribal licenses for tribal regulatory positions within the Nation, and whether to issue tribal vendor licenses to those vendors and their principles who are required to obtain such licenses by Compact with the State of Arizona, or the Tribal Gaming Ordinance; and

BE IT FURTHER RESOLVED, that the President of the Fort McDowell Yavapai Nation is hereby authorized and appointed to sign any necessary agreements with the Arizona Department of Public Safety to enable the Nation, through its Tribal Gaming Office, to obtain such information.

CERTIFICATION

Pursuant to powers granted in Article V, Section 13(A) (1) (2) (3) (5) (15) and Section 13 (B)(1) (2) of the Constitution of the Fort McDowell Yavapai Nation, the foregoing Resolution was duly adopted by a vote of 3 For and 0 Against, with 0 Abstaining, at a duly called meeting of the Tribal Council of the Fort McDowell Yavapai Nation held on the 5 day of March, 2002, at which a quorum of 4 was present.

Clinton M. Pattea
Clinton M. Pattea,
President, Tribal Council

3/5/02
Date:

Pansy Thomas
Pansy Thomas,
Secretary