



VIA FACSIMILE AND  
FIRST CLASS MAIL

December 22, 2010

Mr. Ivan Smith, Tribal Chairman  
Tonto Apache Tribe  
Tonto Apache Reservation #30  
Payson, AZ 85541  
Fax: (928) 474-9125

RE: Gaming Ordinance amendment, approval

Dear Chairman Smith:

On September 30, 2010, the National Indian Gaming Commission received an amendment to the Tonto Apache Gaming Ordinance authorized by Resolution No. 32-2010. On November 22, 2010, the NIGC received a second amendment to the Gaming Ordinance authorized by Resolution No. 38-2010. These amendments made three changes to the previously approved gaming ordinance. The first resolution extends the definition of *key employee* to include any employee designated a "gaming employee" and required to have a gaming license by the Tribal-State compact between the state of Arizona and the Tonto Apache Tribe. The second resolution amends the Privacy Act and false statement language found in the Gaming Ordinance and on background and licensing applications to comply with 25 C.F.R. § 556.2-3.

Based on my review, the ordinance is consistent with the requirements of the Indian Gaming Regulatory Act and NIGC's regulations. Accordingly, it is hereby approved. If you have any questions, please feel free to contact Staff Attorney Heather McMillan Nakai at (202) 632-7003.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tracie L. Stevens".

Tracie L. Stevens  
Chairwoman

cc: Hubert Nanty, Executive Director, Tribal Gaming Office  
Glenn Feldman, Attorney



## *Tonto Apache Tribe*

Tonto Apache Reservation #30  
Payson, Arizona 85541  
Telephone: (928) 474-5000  
Fax: (928) 474-9125

SEP 30 2010

**RESOLUTION No. 32-2010  
OF THE GOVERNING BODY OF THE  
TONTTO APACHE TRIBE  
(A Federally Recognized Indian Tribe)  
PAYSON, ARIZONA**

**WHEREAS**, the Tonto Apache Tribe (the "Tribe") is a federally recognized tribal government; and

**WHEREAS**, under Article IV, Section 1 of the Tribe's Constitution, the Tonto Apache Tribal Council (the "Council") is the governing body of the Tribe; and

**WHEREAS**, the Tribe now has in effect a Tonto Apache Tribal Gaming Ordinance that was adopted by the Council on January 23, 2008 and approved by the Chairman of the National Indian Gaming Commission ("NIGC") on May 19, 2008; and

**WHEREAS**, questions have arisen over the authority of the NIGC to process fingerprint cards and provide criminal history information regarding certain categories of proposed gaming employees; and

**WHEREAS**, the Executive Director of the Tribal Gaming Commission of the Tonto Apache Tribe has now recommended that the Council adopt an amendment to the Tonto Apache Tribal Gaming Ordinance (the "Ordinance") to resolve this issue and provide better and more effective regulation of tribal gaming activities; and

**WHEREAS**, the Council has now determined that it is in the Tribe's best interest to adopt the amendment.

**NOW THEREFORE BE IT RESOLVED** by the Tonto Apache Tribal Council that:

1. Section 102 (j) of the Ordinance is hereby amended to read as follows:

(j) **Key Employee** means:

(1) A person who performs one or more of the following functions:

- (A) Bingo caller;
- (B) Counting room supervisor
- (C) Chief of security
- (D) Custodian of gaming supplies or cash;
- (E) Floor manager;
- (F) Pit Boss;
- (G) Dealer;
- (H) Croupier;
- (I) Approver of credit; or
- (J) Custodian of gambling devices including persons with access to cash and accounting records within such devices.

(2) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year;

(3) If not otherwise included, the four most highly compensated persons in the gaming operation; or

(4) If not otherwise included, any Gaming Employee required to be licensed by the Tribal Gaming Office under Section 4(b) of the Tribal-State Gaming Compact between the Tribe and the State of Arizona.

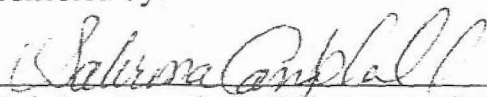
2. The Tribal Chairperson shall take such actions as are necessary to obtain approval of the amendment by the Chairperson of the National Indian Gaming Commission.

### CERTIFICATION

I, the undersigned, as Chairperson of the Tonto Apache Tribal Council, do hereby certify that the Tribal Council of the Tonto Apache Tribe at Payson, Arizona, is composed of five (5) members of whom five (5) were present at a Regular meeting, held on this 14<sup>th</sup> day of September, 2010, and that the foregoing Resolution was duly adopted by the affirmative vote of five (5) members of the Tribal Council.

  
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Ivan Smith, Tribal Chairperson

Attested by:

  
\_\_\_\_\_  
Sabrina Campbell, Tribal Council Secretary