



August 11, 2015

By First Class Mail

Stephanie A. Bryan, Chair  
Poarch Band of Creek Indians  
5811 Jack Springs Road  
Atmore, AL 36502

Re: Poarch Band of Creek Indians; Tribal Council Ordinance Amending Title 20 (Gaming),  
TCO 2015-10

Dear Chair Bryan:

This letter responds to your request on behalf of the Poarch Band of Creek Indians for the National Indian Gaming Commission Chair to review and approve the Band's amendments to its gaming ordinance, passed by Tribal Council Ordinance 2050-10 and clarified by Tribal Council Resolution 2015-061.

The amendments, passed on May 7, 2015 by the Tribal Council, revise the ordinance to amend:

1. Section 20-2-3 to revise and delete provisions regarding membership of the Band's tribal gaming commission; and
2. Section 20-2-8(a) to add a reporting requirement for the tribal gaming commission administrator.

Thank you for submitting the amendments. They are approved, as they are consistent with the requirements of the Indian Gaming Regulatory Act and the NIGC's regulations. If you have any questions, please feel free to contact Senior Attorney Maria Getoff at 202-632-7003.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonodev O. Chaudhuri".

Jonodev O. Chaudhuri  
Chairman



*Poarch Creek Indian  
Tribal Council Resolution*

TCR 2015-061

**RESOLUTION TO CLARIFY ORDINANCE LANGUAGE FOR  
TCO 2015-10 AMENDMENTS TO TITLE 20 (GAMING)**

**WHEREAS,** the Poarch Band of Creek Indians is a federally recognized Tribe organized pursuant to 25 C.F.R. 83;

**WHEREAS,** the Constitution of the Poarch Band of Creek Indians authorizes its Tribal Council to enact, amend or repeal an ordinance or resolution;

**WHEREAS,** on May 7, 2015, TCO 2015-10 approved amendments to Title 20 in Sections 20-2-3 and 20-2-8(a) to revise and delete provisions regarding membership of the Tribal Gaming Commission, which is now governed by Title 45 (Board and Committee Organization Act), and to reflect the new chain of command for the Commission Administrator under the Tribal government structure;

**WHEREAS,** for clarification of the “whereas” language in the Ordinance to Amend Title 20 (Gaming) and the legislative intent of the Tribal Council on May 7, 2014, the following statements are provided:

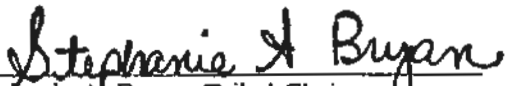
- the referenced amendments to Section 20-1-3 and Section 20-2-1 are not amendments to Title 20 and should have been removed from the final Ordinance;
- the amendment to Section 20-2-3 is correct to revise and delete provisions regarding membership of the Tribal Gaming Commission, which is now governed by Title 45;
- the amendment to Section 20-2-8(a) does not reflect a new chain of command for the Commission Administrator under the new Tribal government structure, but rather adds a reporting requirement for the Tribal Gaming Commission Administrator for the purpose of implementing Commission policies, objectives, and directives; and

**WHEREAS,** the Tribal Council desires to clarify its amendments to Title 20 (Gaming), with the amendments to be effective upon approval by the National Indian Gaming Commission (NIGC).

**NOW THEREFORE BE IT RESOLVED** that the Tribal Council approves the clarification to the Ordinance to Amend Title 20 (Gaming) by this Resolution and establishes that the amendments to Title 20 were only to Sections 20-2-3 and 20-2-8(a) as set forth in TCO 2015-010.

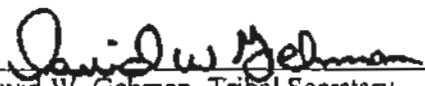
**APPROVAL**

I, the Chair of the Poarch Band of Creek Indians, hereby affix my signature to the resolution authorizing it to become official this 4<sup>th</sup> day of June, 2015.

  
Stephanie A. Bryan, Tribal Chair  
Poarch Band of Creek Indians

**CERTIFICATION**

I, the Secretary of the Poarch Band of Creek Indians, certify that the foregoing is a true extract from the minutes of the Tribal Council meeting of the Poarch Band of Creek Indians, comprised of nine members with 8 in attendance on the 4<sup>th</sup> day of June, 2015, and that the above is in conformity with the provisions therein adopted by a vote of 7 in favor, and 0 against, 0 abstentions.

  
David W. Gehman, Tribal Secretary  
Poarch Band of Creek Indians



*Poarch Creek Indians*  
*Tribal Council Ordinance*  
FCO 2015-10

**ORDINANCE TO AMEND TITLE 20 (GAMING)**

- WHEREAS,** the Poarch Band of Creek Indians is a federally recognized Tribe organized pursuant to 25 C.F.R. 83;
- WHEREAS,** the Constitution of the Poarch Band of Creek Indians authorizes its Tribal Council to enact, amend or repeal an ordinance;
- WHEREAS,** on October 25, 1986, Gaming was enacted by Tribal Council Motion and later amended by ordinances July 26, 1993, February 6, 2007, May 20, 2010, and July 18, 2013;
- WHEREAS,** on November 15, 2012, TCO 12:011 enacted Title 45 (Board and Committee Organization Act) which was later amended on March 20, 2014 and September 4, 2014;
- WHEREAS,** Title 20 (Gaming) has not been amended to reflect the passage and amendments to the Board and Committee Organization Act;
- WHEREAS,** the proposed amendments to Section 20-1-3 add and delete certain definitions to reflect the use of terms throughout the Title;
- WHEREAS,** the proposed amendments to Section 20-2-3 revise and delete provisions regarding membership of the Tribal Gaming Commission, which is now governed by Title 45;
- WHEREAS,** the revision to Section 20-2-8(a) reflects the new chain of command for the Commission Administrator under the new Tribal government structure;
- WHEREAS,** the Tribal Council desires to amend Title 20 (Gaming), with the amendments to be effective upon approval by the National Indian Gaming Commission (NIGC);
- WHEREAS,** pursuant to Section 20-2-1, the Tribal Council wishes to designate the management, oversight, and responsibility for day-to-day operations of the provisions of Title 20 to a department, entity, or employee within Tribal Government; and

**WHEREAS**, in accordance with § 2-3-1(b) of Title 2 (Legislative), this Ordinance was introduced by Tribal Council motion at the regularly scheduled official meeting on April 16, 2015.

**NOW THEREFORE BE IT ORDAINED** that the Tribal Council amends Title 20, effective upon NIGC approval, as follows:

**§ 20-2-3 Board of Commissioners**

(a) Commission Structure

The uniform system for the size, term, and selection of members for boards and committees, including commissions, is governed by legislation established under Title 45 (Board and Committee Organization Act) of the Tribal Code.

(b) Eligibility of Commissioners

In addition to the membership qualifications in Title 45, a candidate for the Board of Commissioners shall also meet the following qualifications, even if the qualifications are more stringent than those qualifications in Title 45:

- (1) A Commissioner shall be a natural person of at least twenty-one (21) years of age.
- (2) A Commissioner must be eligible to be licensed as a Key Employee and Primary Management Official in accordance with §20-6-1.
- (3) Commissioners must complete a background investigation which shall confirm that the Commissioners are persons of good character, honesty, and integrity, and persons whose prior and current activities, criminal record, reputation, habits, and associations (both business and personal) do not pose a threat to the public interest of the Tribe or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or carrying on of the business and financial arrangements incidental to the conduct of gaming.
- (4) A Commissioner must annually obtain a gaming license in accordance with the procedure in §20-2-4.
- (5) No person shall serve on the Commission if such:

- (i) Person is an employee of the Commission, member of the Gaming Board, a Tribal judge or justice, or an employee of any Gaming Establishment or the Gaming Operation;
- (ii) Person is an Immediate Family Member of or living with any Tribal Council member or Gaming Board member;
- (iii) Person has a direct or indirect financial interest in a Management Contract, other than his or her share of any per capita payment that the Tribe may make;
- (iv) Person is a Gaming Vendor or Non-gaming Vendor or has a direct or indirect financial interest in a Gaming Vendor's or Non-gaming Vendor's contract with any Gaming Establishment or the Gaming Operation;
- (v) Person has a direct or indirect financial interest in any Gaming Establishment or the Gaming Operation, other than his or her share of any per capita payment or any stipend or compensation paid for service to the Board of Commissioners; or
- (vi) Person has been convicted of a felony, embezzlement, theft, robbery, receiving stolen property, fraud, fraudulent use of a credit card, forgery, possession of a forged instrument, bribery, counterfeiting, or falsification or destruction of records.

(c) Function of the Commission

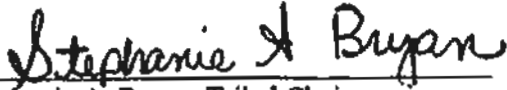
The business and affairs of the Commission shall be managed by its Board of Commissioners, subject to any limitations set forth in the Tribal Constitution, this Title, or the Commission bylaws. The Board of Commissioners will determine the manner in which it will exercise authority and responsibility for the management of the Commission and the extent to which such powers will be delegated to committees of the Board of Commissioners. The Board of Commissioners generally shall be responsible for establishing overall policies and objectives for the Commission relative to regulation, including, but not limited to, planning and delegating responsibility, and for periodically reviewing and evaluating results.

**§ 20-2-8 Tribal Gaming Commission Administrator**

- (a) The day-to-day activities of the Commission shall be under the direction of the Tribal Gaming Commission Administrator. The Tribal Gaming Commission Administrator shall report to the Board of Commissioners for the purpose of implementing Board of Commissioners' policies, objectives, and directives.

**APPROVAL**

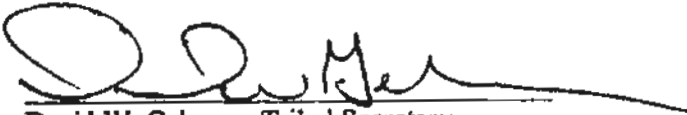
I, the Chair of the Poarch Band of Creek Indians, hereby affix my signature to the ordinance authorizing it to become official this 7<sup>th</sup> day of May, 2015.



Stephanie A. Bryan, Tribal Chair  
Poarch Band of Creek Indians

**CERTIFICATION**

I, the Secretary of the Poarch Band of Creek Indians, certify that the foregoing is a true extract from the minutes of the Tribal Council meeting of the Poarch Band of Creek Indians, comprised of nine members with 8 in attendance on the 7<sup>th</sup> day of May, 2015, and that the above is in conformity with the provisions therein adopted by a vote of 8 in favor, and 0 against, 0 abstentions.



David W. Gehman, Tribal Secretary  
Poarch Band of Creek Indians