



May 9, 2022

**VIA EMAIL**

Chair Teri Gobin  
Board of Directors, Tulalip Tribes  
6406 Marine Drive  
Tulalip, WA 98271

**Re: Tulalip Tribes Amended Gaming Ordinance**

Dear Chair Gobin:

This letter responds to the March 14, 2022 email submission on behalf of the Tulalip Tribes (“Tribes”) informing the National Indian Gaming Commission that the Tribes had amended its gaming ordinance. The submission included two administrative amendments that clarified the definition of “Tribal gaming operation” and added an attendance requirement for the Tribes gaming commissioners.

Thank you for bringing these amendments to our attention and for providing us with a thorough submission of the Band’s gaming laws and regulations. The amended ordinance is approved as it is consistent with the requirements of the Indian Gaming Regulatory Act and NIGC’s regulations. If you have any questions or require anything further, please contact Josh Proper at (202) 632-0294.

Sincerely,

A handwritten signature in blue ink that reads "E. Sequoyah Simermeyer".

E. Sequoyah Simermeyer  
Chairman

THE TULALIP TRIBES OF WASHINGTON  
RESOLUTION 2022 - 108

TULALIP TRIBES  
ORIGINAL DOCUMENT

**Gaming ordinance amendment re-adoption: adding failure to attend as grounds for removal**

**WHEREAS**, the Tulalip Tribes of Washington is a federally recognized Indian Tribe, who's governing body is the Tulalip Board of Directors, as provided in the Tribal Constitution, and Bylaws approved and amended pursuant to the Indian Reorganization Act of 1934, 25 U.S.C. Section 476; and

**WHEREAS**, the Tulalip Board of Directors under Article VI, Section I (F) and (I) of the Tribal Constitution desire to promote and manage the Tribal Reservations economic affairs through continued development of businesses within the Exterior Boundaries, and to safeguard and promote the communities peace, safety and general welfare; and

**WHEREAS**, the Tribal Gaming Commission (TGC) was created to be the Tribal agency primarily responsible for regulatory oversight of Class II and III gaming.; and

**WHEREAS**, the Tulalip Gaming Commission wishes to amend Article I Gaming Ordinance 10.05.030 to include language adding a meeting attendance requirement for gaming commissioners.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Directors of the Tulalip Tribes hereby approves and adopts the amendments to Gaming Ordinance 10.05.030 as presented below by adding attendance requirements as grounds for removal (*added language indicated by underline*):

**10.05.030 (1) (a) (iv) Establishment/Duties.** (iv) In case of vacancy on the TGC, the Board shall appoint a Commissioner to fill such vacancy for the remainder of the term of the Commissioner that is being replaced or, upon written notice to the TGC, permit the vacancy to remain unfilled for the remainder of the term if the next Tribal general election to fill the vacancy will fall within three months of the occurrence of the vacancy. In the event the vacancy prohibits the TGC from establishing a quorum, the Board will immediately appoint a Commissioner to fill such vacancy, subject to qualifications for Commissioners under this chapter; and pay the TGC-established licensing fees for the appointed Commissioner. **10.05.030 (1) (c) (vii) Chairman, Quorum, Meeting, Compensation and Expenses, Removal.** (vii) Any Commissioner may be removed for: Arrest and/or conviction of any crime; Malfeasance, nonfeasance, or misfeasance in office; Acts or omissions contrary to the best interests of the Tribe; or; (D) Finding that a Commissioner does not meet the eligibility qualifications for the TGC; or (E) Failure to attend 4 consecutive regular scheduled meetings or failure to attend 10 regular scheduled meetings in a 12-month period; all upon specific written charges filed with the TGC. The TGC shall forward such charges to the Board of Directors. The Board shall hear the matter at a private hearing and adjudicate the charges at a time set in their discretion, as well as prescribe the procedure for the hearing. The decision of a majority of the Board shall be final and

THE TULALIP TRIBES OF WASHINGTON  
RESOLUTION 2022 - 108

non-appealable. Removal of any Commissioner by the Board of Directors shall disqualify such member for reappointment or reelection.

**NOW THEREFORE BE IT ENACTED**, by the Board of Directors of the Tulalip Tribes that the attached Tulalip Tribal Code Chapter 10.05.030 adding failure to attend as grounds for removal is hereby re-adopted and approved..

**ADOPTED** by the Board of Directors of the Tulalip Tribes of Washington at a regular board meeting assembled on the 4th day of March, 2022, with a quorum present, by a vote of 6 For, 0 Against, and 0 Abstain.

THE TULALIP TRIBES OF WASHINGTON



Teri Gobin, Chair

ATTEST:



Marie Zackuse, Secretary

**10.05.030 Regulatory Commission, agency and functions.**

**(1) Tribal Gaming Commission.**

**(a) Establishment/Duties.**

(i) There shall be and hereby is created the Tribal Gaming Commission whose purpose is to be the Tribal agency primarily responsible for regulatory oversight of Class II and III gaming.

(ii) The sole purpose of the TGC is to perform a gaming regulatory function. The TGC shall not perform gaming management or nongaming regulatory functions. To the extent and in the manner provided for in this chapter, the TGC will conduct oversight to ensure compliance with Tribal, Federal, and if applicable, State gaming laws and regulations. The TGC will serve as the licensing authority for gaming authorized under this chapter. The TGC shall have the authority to: (A) adopt and enforce regulations, which regulations are subject to the prior review and approval of the Board of Directors; provided, that the Board of Directors retains the authority to independently adopt ordinances and regulations related to gaming; provided, furthermore, following the adoption of any regulations promulgated hereunder, the TGC shall promptly and forthwith submit the same to the NIGC and State Gaming Agency in a manner required by IGRA and the Compact, (B) supervise the Director and oversee the TGA operations and duties, (C) review, affirm, modify, or rescind decisions or actions of the TGA or Director, except decisions appealable to the Tribal Gaming Court, (D) participate in the Patron Dispute Resolution Review Committee, (E) perform all such other duties as specifically provided for the TGC in this chapter or the Compact, and (F) subject to the prior review and approval of the Board of Directors, adopt rules of procedure and protocols to perform its functions.

(iii) The TGC shall consist of seven members elected by the membership of the Tulalip Tribes. Members of the TGC shall be known as "Commissioners," three shall hold a three-year term, two shall hold a two-year term, and two shall hold a one-year term and hold office until their successors are duly elected and qualified, which successors shall all hold three-year terms; provided, however, persons who are Commissioners under prior Ordinance No. 55A whose terms have not expired as of the effective date of this chapter shall otherwise be entitled to remain in office until the expiration of their then-current term.

(iv) In case of a vacancy on the TGC, the Board shall appoint a Commissioner to fill such vacancy for the remainder of the term or, upon written notice to the TGC, permit the vacancy to remain unfilled for the remainder of the term if the next Tribal general election to fill the vacancy will fall within three months of the occurrence of the vacancy. In the event the vacancy prohibits the TGC from establishing a quorum, the Board will immediately appoint a Commissioner to fill such vacancy, subject to qualifications for Commissioners

under this chapter; and pay the TGC-established licensing fees for the appointed Commissioner.

**(b) Qualifications.**

**(i) No employee of:**

- (A) The TGO;**
  - (B) Any Tribally licensed Class II or III gaming operation; or**
  - (C) Any non-Tribally licensed gaming operation;**
- may be a Commissioner.

**(ii) No person may be a Commissioner unless such person:**

- (A) Is a duly enrolled member of the Tribes;**
- (B) Is at least 21 years of age; and**
- (C) Has never been convicted of a felony, or a misdemeanor involving dishonesty.**

**(iii) Any person seeking to become a candidate for the position of Commissioner shall submit to a background investigation and must be qualified to receive a Category A Tribal Gaming License. Such proposed candidate shall pay the fees and costs for such background investigation. The Director shall establish the amount of such fees and costs.**

**(c) Chairman, Quorum, Meetings, Compensation and Expenses, and Removal.**

**(i) Annually, upon the election of Commissioners by members of the Tribes, the TGC shall designate a Chairman, Vice-Chairman and Secretary:**

**(A) The Chairman shall:**

- (I) Preside over all meetings of the TGC;**
- (II) Perform all duties of a Chairman;**
- (III) Exercise any authority delegated to him by the TGC;**

**(B) The Vice-Chairman shall:**

- (I) Assist the Chairman when called upon to do so; and**

(II) In the absence of the Chairman, preside and, while so presiding, have all the rights, privileges, duties, and responsibilities of the Chairman;

(C) The Secretary shall:

(I) Conduct all TGC correspondence;

(II) Keep accurate records of all matters transacted at TGC meetings; and

(III) Promptly submit to the Secretary of the Board all minutes of regular and special meetings of the TGC.

(ii) A quorum shall be four Commissioners.

(iii) All actions of the TGC shall be taken by majority vote. The Chairman shall be entitled to vote.

(iv) The principal office of the TGC shall be at such place as designated by the Board.

(v) The TGC shall hold meetings at least monthly and at such other times:

(A) As may be called by the Chairman;

(B) Upon written request to the Chairman by any other Commissioner;

(C) Upon written request to the Chairman by the Director; or

(D) At the direction of the Board.

(vi) Before entering the duties of office, each Commissioner shall take and subscribe to an oath of office. The Commissioner shall be subject to and governed by the code of ethics adopted by the Board for Tribal Commissions.

(vii) Any Commissioner may be removed for:

(A) Arrest and/or conviction of any crime;

(B) Malfeasance, nonfeasance, or misfeasance in office;

(C) Acts or omissions contrary to the best interests of the Tribes; or

(D) Finding that the Commissioner does not meet the eligibility qualifications for the TGC;

all upon specific written charges filed with the TGC. The TGC shall forward such charges to the Board of Directors. The Board shall hear the matter at a private hearing and adjudicate the charges at a time set in their discretion, as well as prescribe the procedure for the hearing. The decision of a majority of the Board shall be final and nonappealable. Removal of any Commissioner by the Board shall disqualify such member for reappointment or reelection.

(viii) Compensation for Serving and Reimbursement of Expenses. Commissioners may be compensated for serving on the TGC and reimbursed for their expenses at rates to be set by the Board. Such rates shall be approved by the Board of Directors and shall be identical for all Commissioners.

(d) TGC Budgets.

(i) General Operations Budget. The TGC shall cause to be prepared an annual budget for the TGC, including the TGA; whereupon such annual budget shall be submitted to the Board for review, modification, and/or adoption as part of its regular annual budget process. At the end of the budget year, any surplus funds in the budget shall be considered in the next year's funding request.

(ii) Capital Budget. This budget shall be prepared, submitted and approved as in subsection (1)(d)(i) of this section and specify requirements for equipment to assure effective and efficient operations. The funding for such regulatory equipment and systems and capital improvements shall be provided through a separate budget.

THE TULALIP TRIBES OF WASHINGTON  
RESOLUTION 2022 - 109

TULALIP TRIBES  
ORIGINAL DOCUMENT

**Tulalip Tribal Code Chapter 10.05 (Gaming Ordinance) Amendment Re-adopt TGO  
Terminology and Authority**

**WHEREAS**, the Board of Directors is the governing body of the Tulalip Tribes under the Constitution and Bylaws of Tribe approved by the United States Commissioner of Indian Affairs and the Secretary of the Interior on January 24, 1936, pursuant to the Act of June 18, 1934 (48 Stat. 984, 25 U.S.C. §476); and

**WHEREAS**, the Board of Directors is empowered by Article VI, Section 1 of the Tulalip Constitution to enact laws governing gaming activities on Tulalip lands; and

**WHEREAS**, the Tribes adopted and enacted the Tulalip Gaming Ordinance to conduct its gaming activities now codified as Tulalip Tribal Code (TTC) Chapter 10.05; and; and

**WHEREAS**, it is necessary to amend the definition of the Tulalip "Tribal Gaming Operation" by adding the term the Tulalip "Tribal Gaming Organization" to reflect common terminology currently used when referencing Tulalip's class II and class III gaming facilities; and.

**WHEREAS**, the purposes of this amendment is to mirror terminology currently being used within the Tulalip Tribes and to clarify Tulalip Tribes and TGO authority over the Tulalip Tribes Bank of America checking accounts that hold loan and gaming monies.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Directors of the Tulalip Tribes hereby approves and adopts the amendment to TTC 10.05.020 (29) which adds the term "Tulalip Gaming Organization" to the current definition of Tulalip's class II and class III gaming facilities (See attached amendment).

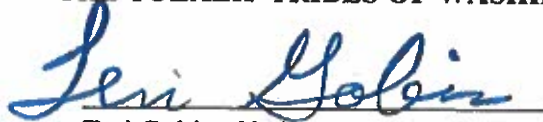
**NOW THEREFORE BE IT ENACTED**, by the Board of Directors of the Tulalip Tribes that the attached Tulalip Tribal Code Chapter 10.05.020(29) adding the term "Tulalip Gaming Organization" to the current definition of Tulalip's class II and class III gaming facilities is hereby re-adopted and approved.

**ADOPTED** by the Board of Directors of the Tulalip Tribes of Washington at a regular board meeting assembled on the 4<sup>th</sup> day of March, 2022, with a quorum present, by a vote of 6 For, 0 Against, and 0 Abstain.



THE TULALIP TRIBES OF WASHINGTON  
RESOLUTION 2022 - 109

THE TULALIP TRIBES OF WASHINGTON



Teri Gobin, Chair

ATTEST:



Marie Zackuse, Secretary

Attachment to Resolution No. \_\_\_\_\_ (additional language indicated by underline)

10.05.020 (29) "Tribal gaming operation" (also known as the Tulalip Gaming Organization or "TGO") means any Class II or Class III gaming in any gaming facility operated by the Tribes on Tulalip Tribal lands. The Tribal gaming operation shall be an instrumentality and enterprise of the Tulalip Tribal government operated to generate Tulalip government revenue and is not a separate legal entity.