



January 25, 2013

Via U.S. Mail and Facsimile

Kathryn Tierney, Tribal Attorney
Bay Mills Indian Community
12140 West Lakeshore Drive
Brimley, MI 49715
Fax: (906) 248-3283

Re: Bay Mills Indian Community
Resolution No. 12-11-12-B

Dear Ms. Tierney:

This letter responds to your request on behalf of the Bay Mills Indian Community for the National Indian Gaming Commission Chairwoman to review and approve the Community's amendments to its gaming ordinance. The Bay Mills Indian Community Executive Council approved Resolution No. 12-11-12-B on November 12, 2012, amending the ordinance.

Thank you for bringing the amendments to my attention. The amendments are approved as they are consistent with the requirements of the Indian Gaming Regulatory Act (IGRA or Act) and NIGC regulations. Pursuant to IGRA and NIGC regulations, the amendments are approved for gaming only on Indian lands, as defined by IGRA, over which the Community has jurisdiction.

If you have any questions, please contact Staff Attorney Esther Dittler at (202) 420-9229.

Sincerely,

A handwritten signature in blue ink that reads "Stevens".

Tracie L. Stevens
Chairwoman



Bay Mills Indian Community

12140 West Lakeshore Drive
Brimley, Michigan 49715
(906) 248-3241 Fax-(906) 248-3283



RESOLUTION

Resolution No. 12-11-12-B Amendments to Gaming Ordinance

- WHEREAS:** The Bay Mills Indian Community is a federally recognized Indian tribe with a Constitution enacted pursuant to the Indian Reorganization Act of 1934, 25 U.S.C. sec. 461, et seq., and
- WHEREAS:** The Tribe regulates gaming on its tribal lands under a compact with the State of Michigan and under its Gaming Ordinance, and
- WHEREAS:** The Executive Council has determined that it is in the best interest of the Bay Mills Indian Community to update its gaming laws in order to clarify regulatory requirements and be consistent with amendments to the regulations of the National Indian Gaming Commission.

NOW, THEREFORE BE IT RESOLVED, that the Executive Council of the Bay Mills Indian Community hereby amends the Gaming Ordinance, with additions underlined and deletions struck out:

2.25 "Gaming supplier" means any person or entity that manufactures or supplies gaming equipment, devices, supplies or services to the Tribe's gaming facilities.

former 2.25 through 2.34 renumbered as 2.26 through 2.35

2.36 "Manufacturer" means any person or entity that manufactures gaming devices, component parts or gaming equipment, which is intended for use or play in the Tribe's gaming facilities.

former 2.36 through 2.55 renumbered as 2.37 through 2.57

4.12 **Term of Office.** Each Commissioner shall serve a term of four years, commencing on January 1st, or until a successor Commissioner is appointed. On January 2, 1998, two Commissioners shall be appointed for a term of two years, and three Commissioners shall be appointed for a term of four years. Thereafter, all Commissioners shall serve four-year terms. ~~The Council's appointment of any Commissioner who is not a member of the Executive Council shall be by resolution.~~

Resolution No. 12-11-12-B

4.18 **Powers of the Tribal Commission.**

* * *

(Q) To approve or disapprove any application for a tribal gaming license and to adopt a schedule of fees for each type of license application.

4.20 **Tribal Commission Regulations.**

* * *

(B) No regulation of the Tribal Commission shall be of any force or effect unless it is adopted by the Tribal Commission by formal action written resolution and subsequently approved by a vote resolution of the Tribal Council and filed for record in the office of the Tribal Secretary maintained in the official records of the Tribe.

5.2 **License Required.**

(A) No person shall operate Class II or Class III gaming within the jurisdiction of the Tribe unless such gaming is licensed by the Tribe Tribal Commission.

(B) A tribal license shall not be required for any Class I gaming activity or operation; provided, however, that each Class I gaming activity or operation must obtain prior written authorization from the Tribal Council, which is filed with the official records of the Tribe and a copy of which is provided to the permittee and the Gaming Commission.

5.3 **Types of Licenses.** The Tribe Tribal Commission shall issue each of the following types of gaming licenses:

* * *

5.11 **Annual Reports.**

* * *

(H) The name and addresses of any employees who the Tribal Commission may determine to be key employees during review of the application A listing of all positions, both licensed and unlicensed, maintained by the facility;

6.2 **Application Procedure for Employment.**

* * *

(B)(11) Each application for a gaming employee license shall be accompanied by an application fee of \$10.00 at an amount established by the Tribal Commission.

6.3 **Review Procedure.**

(A) The Tribal Commission or its designee shall forward a copy of each application to a tribal or state law enforcement agency and arrange for that

Resolution No. 12-11-12-B

verify-in-writing-the-accuracy-of-the-applicant's-criminal record- shall perform background investigations and issue licenses for key employees and primary management officials according to requirements that are at least as stringent as those contained in 25 C.F.R. Parts 556 and 558, as they may from time to time be amended, and shall follow the procedures established in this section. The Commission-or-its-designee-shall-also-contact-each reference-provided-in-the-application-and-take-other appropriate-steps-to-verify-the-accuracy-of-the-other information-presented-and-prepare-a-report-of-their findings-for-the-Commission.

(B) An authorized tribal official shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for granting of a gaming license. If the authorized tribal official, in applying the standards contained in this ordinance and in the Class III Gaming Compact with the State of Michigan, determines that licensing of a person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the authorized tribal official shall not license that person in a key employee or primary management official position. For purposes of this section, the Tribal Commission shall constitute the authorized tribal official.

(C) Once-these-two-reviews-are-completed, Upon completion of the criminal record and employee reference reviews, the Commission shall review the findings and either grant or deny the license, if one is required by this Ordinance, or advise the Primary Management Official that the applicant's information has been reviewed and there exists no barrier to employment. The applicant shall be notified in writing of the Commission's decision. If the Commission votes to deny a license, it shall include within this notification the specific reasons for its decision.

(DB) A-copy-of-the-application,-tThe results of the background checks performed and the Tribal Commission's findings and decision shall be forwarded to the National Indian Gaming Commission before-a-license-is-issued.

(EC) All applications, background checks and Commission decisions shall be retained in the Commission files for a period of at least five (5) years after termination of the license.

6.5 **Licensing Period.** Any permanent employee gaming license issued pursuant to this section shall be effective for a period of one year from the date of issuance and shall expire on the employee's birthday. If the employee's birthday is less than six (6) months in the future, the employee shall receive a license which is valid until the employee's birthday following the employee's next birthday. The license shall contain the licensee's photograph and shall state at a minimum on its face, the name of the employee, the location at which s/he is licensed to work, the gaming operator who employs him, the date the license became effective, and the date that it expires.

6.7 **Requirement to Produce License Upon Request: Display and Handling of Gaming License.** Any person receiving an employee gaming license must carry that license upon his person during all working hours and must produce that license upon the request of any person. shall wear the license on his/her upper torso in a manner that does not obscure and clearly displays the licensee's photograph and the license expiration date.

(A) **Prohibited Modifications of License.** No individual to whom a gaming license is issued shall cause, or permit any other person to cause, damage to or alteration or mutilation of, any portion of the gaming license.

(B) **Consequences of Alteration.** Upon notice that a gaming license is displayed by the licensee which is damaged, altered or mutilated, the Tribal Commission shall:

(1) confiscate the gaming license and notify the gaming operator in writing of the action, and

(2) prohibit the licensee from engaging in any activities for which a gaming license is required until a replacement license is issued; provided, that the obligation to obtain a replacement license is solely that of the licensee when the Tribal Commission finds that the licensee purposefully altered or mutilated the license, or permitted another person to do so.

6.8 **Suspension or Termination of Employee License.**

* * *

(C) **Mandatory Suspension and Revocation.** Upon receipt of notification from the National Indian Gaming Commission that a licensed key employee or primary management official is not eligible for employment in such position, due to failure to meet the criteria contained in 25 C.F.R. sec. 558.2, as that section may from time to time be amended, the

Tribal Commission shall suspend the license and notify the licensee in writing of the suspension and proposed revocation, along with the time and place for the revocation hearing. Upon the completion of the revocation hearing, the Tribal Commission shall decide to revoke or reinstate the gaming license, and shall notify the National Indian Gaming Commission of its decision.

7.8 Minimum Age to Play. In any gaming facility which has a retail alcoholic beverage license, the minimum age to play any Class II or Class III game is 21 years of age. In any gaming facility which does not have a retail alcoholic beverage license, the minimum age to play is 19 years of age.

9.1 Management by a Primary Management Official.

* * *

(C) The Primary Management Official shall present a written monthly report to the Tribal Commission and the Tribal Council which details the number of patrons served, ~~the amount of income generated,~~ the numbers of employees working at the establishment, a detailed description of any patron complaints and other problems experienced at the establishment, ~~also a written statement of any changes in key employees or primary management officials and all bills which are 30 days or more past due and such other information which from time to time is requested by the Tribal Commission or Tribal Council.~~

9.2 Use of Net Revenues of Tribally-Owned or Tribally-Operated Gaming Enterprises. {A} All net proceeds of a tribally-owned or tribally-operated gaming enterprise shall be held in the name of the Tribe. Such net proceeds may only be expended by the Tribal Council by resolution and only for the following purposes:

(A1) To fund tribal government operations or programs.

(B2) To provide for the general welfare of the Tribe and its members.

(C3) To promote tribal economic development.

(D4) To donate to charitable organizations.

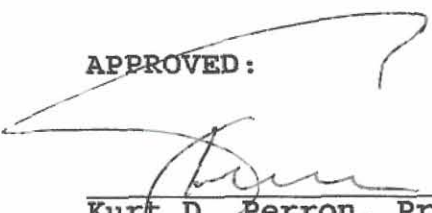
(E5) To help fund operations of local government agencies.

9.3 Audit Requirements.

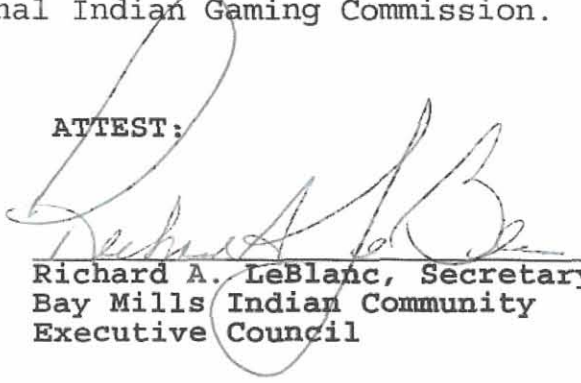
(A) ~~The Tribal Commission and the~~ Primary Management Official of each tribally-owned or

tribally-operated gaming establishment shall obtain an annual outside audit of such gaming establishment. A copy of such audit shall be provided to the Tribal Commission, the Tribal Council and the National Indian Gaming Commission.

APPROVED:

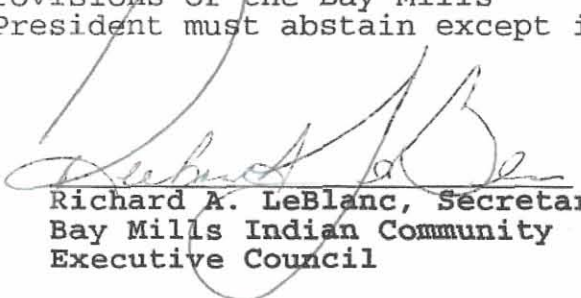

Kurt D. Perron, President
Bay Mills Indian Community
Executive Council

ATTEST:


Richard A. LeBlanc, Secretary
Bay Mills Indian Community
Executive Council

CERTIFICATION

I, the undersigned, as Secretary of the Bay Mills Indian Community Executive Council, do hereby certify that the above resolution was adopted and approved at a meeting of the Bay Mills Indian Community Executive Council held at Bay Mills, Michigan, on the 12th day of November, 2012, with a vote of 4 for, 0 opposed, 0 absent, and 1 abstaining. As per provisions of the Bay Mills Constitution, the Tribal President must abstain except in the event of a tie.


Richard A. LeBlanc, Secretary
Bay Mills Indian Community
Executive Council