



APR 26 2004

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Ronald Rosier  
General Counsel  
Fort McDowell Yavapai Nation  
P.O. Box 17779  
Fountain Hills, AZ 85269-7779

Dear Mr. Rosier:

This letter is in response to your request that the National Indian Gaming Commission (NIGC) review and approve the Resolution to Amend the Fort McDowell Yavapai Nation Gaming Ordinance Resolution No. Ft.McD. 2004-35, adopted March 16, 2004. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA). It is important to note that the gaming ordinance is approved for gaming only on Indian lands, as defined in the IGRA, over which the Fort McDowell Yavapai Nation exercises jurisdiction.

Thank you for submitting the ordinance for review and approval. The NIGC staff and I look forward to working with you and the Fort McDowell Yavapai Nation on future gaming issues.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Philip N. Hogen". The signature is fluid and stylized, with a large loop at the beginning and a long, sweeping tail.

Philip N. Hogen  
Chairman



# Fort McDowell Yavapai Nation

P.O. Box 17779, Fountain Hills, AZ 85269 Phone (480) 837-5121 Fax (480) 837-1630

President Raphael Bear Vice President Bernadine Boyd Treasurer Pamela Mott-Andreas  
Council Member Gwen Bahe Council Member Owen Doka

## RESOLUTION TO AMEND THE FORT MCDOWELL YAVAPAI NATION GAMING ORDINANCE.

Resolution No. Ft.McD. 2004- 35

WHEREAS, The Fort McDowell Yavapai Nation Tribal Council ("Tribal Council") is the governing body of the Fort McDowell Yavapai Nation ("Nation"); and

WHEREAS, the Tribal Council is authorized to enact and enforce ordinances regulating gaming activities; and

WHEREAS, the Nation has entered into a Gaming Compact with the State of Arizona; and

WHEREAS, the Compact requires specific provisions be included in the Nation's Gaming Ordinance; and

WHEREAS, the Tribal Council deems the amendments, as contained herein, to the Gaming Ordinance to be in the best interest of the Nation, its membership, and its relationship with the State of Arizona.

**NOW THEREFORE BE IT RESOLVED**, that the Gaming Ordinance of the Fort McDowell Yavapai Nation be amended by adding the subsection 13(o), as listed below, to Section 13 Prohibited Acts to the current Gaming Ordinance.

### Fort McDowell Yavapai Nation Gaming Ordinance Section 13 Prohibited Acts

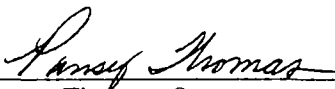
#### Section 13(o) Prohibited Financial Services in Gaming Facilities:

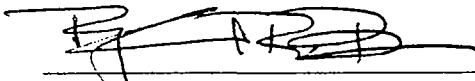
1. Locating an automatic teller machine (ATM) adjacent to, or in close proximity to, any Gaming Device;
2. Locating in a Gaming Facility an ATM that accepts electronic benefit transfer (EBT) cards issued pursuant to a state or federal program that is intended to provide for needy families or individuals;
3. Accepting checks or other non-cash items issued pursuant to a state or federal program that is intended to provide for needy families or individuals; and
4. The Gaming Facility Operator from extending credit to any patron of a Gaming Facility for Gaming Activities.

**BE IT FURTHER RESOLVED**, that the amendment shall be effective immediately and notice of the amendment shall be given to the Arizona Department of Gaming (ADOG) and the National Indian Gaming Commission (NIGC) as required.

**CERTIFICATION**

Pursuant to the authority contained in Article V, Section 13(A)(1), (2), (3), & (15) and (B)(1)&(2) of the Constitution of the Fort McDowell Yavapai Nation ratified by the Tribe on October 19, 1999 and approved by the Secretary of the Interior on November 12, 1999, the foregoing Resolution No. 2004-35 was adopted this 16th day of March, 2004 at a Council Meeting held at Fort McDowell at which a quorum of 4 members were present, 1 absent, by a vote of 3 for and 0 opposed and 0 abstained.

  
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Pansy Thomas, Secretary

  
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Raphael R. Bear, President  
Fort McDowell Yavapai Nation  
Date: 3/16/04