



April 24, 2006

Via Facsimile and U.S. Mail  
(541) 783-3706

Allen Foreman  
Chairman  
The Klamath Tribes  
P.O. Box 436  
Chiloquin, OR 97624

**RE: Approval of Amendment to the Klamath Tribes' Gaming Ordinance**

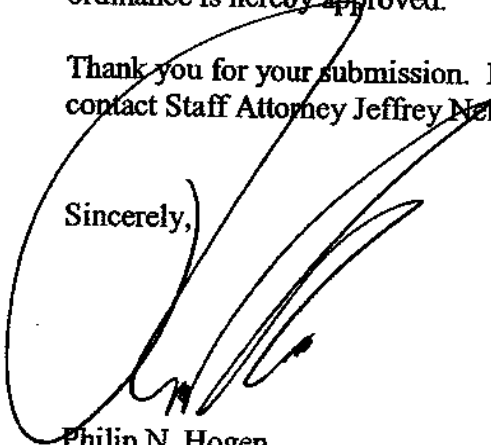
Dear Chairman Foreman:

This is in response to your letter dated April 3, 2006, requesting review and approval of an amendment to Section 45.32 of the Klamath Tribes Gaming Ordinance, adopted by Tribal Council Resolution # 2006-06.

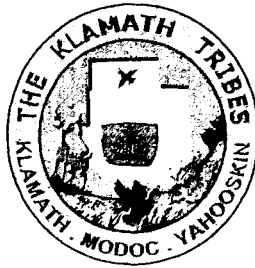
The amendment to the Tribe's previously-approved gaming ordinance is in conformance with the requirements of the Indian Gaming Regulatory Act (IGRA) and the National Indian Gaming Commission's regulations. Therefore, the amended tribal gaming ordinance is hereby approved.

Thank you for your submission. If you have any questions or require assistance, please contact Staff Attorney Jeffrey Nelson at (202) 632-7003.

Sincerely,



Philip N. Hogen  
Chairman



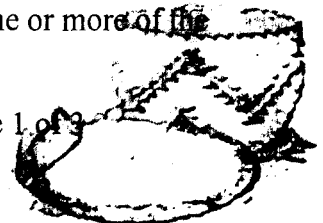
# The Klamath Tribes

## Tribal Council

### TRIBAL COUNCIL RESOLUTION #2006-06

#### TRIBAL COUNCIL RESOLUTION APPROVING AMENDMENT TO THE KLAMATH TRIBES GAMING ORDINANCE, KLAMATH TRIBAL CODE TITLE 7, CHAPTER 45 TO INCLUDE PROVISION FOR MAKING PER CAPITA PAYMENTS TO TRIBAL MEMBERS IN ACCORDANCE WITH A KLAMATH TRIBES REVENUE ALLOCATION PLAN

- Whereas,** The Klamath and Modoc Tribes and the Yahooskin Band of Snake Indians signed the Treaty of 1864 establishing the Klamath Reservation; and
- Whereas,** The General Council of the Klamath membership is the governing body of the Tribes, by the authority of the Constitution of the Klamath Tribes (Article VI, & VII, Section IV E) as approved and/or adopted by the General Council amended on November 25, 2000; and
- Whereas,** The Klamath Indian Tribes Restoration Act of August 27, 1986 (P.L. 99-398) restored to federal recognition the Sovereign Government of the Tribes' Constitution and By-laws; and
- Whereas,** The Klamath Tribes Tribal Council is the elected governmental body of the Tribes and has been delegated the authority to direct the day-to-day business and governmental affairs of the Klamath Tribes under the general guidance of the General Council (Constitution, Article VII, Section I; Tribal Council By-laws, Article I); and
- Whereas,** The Klamath Tribes adopted the Klamath Tribes Gaming Ordinance ("Gaming Ordinance"), Title 7, Chapter 45, of the Klamath Tribal Code on May 14, 1994 and most recently amended it on May 10, 1995;
- Whereas,** Section 45.32 of the Gaming Ordinance provides that net revenues from gaming permitted under the Ordinance shall only be expended to fund one or more of the



following: Tribal government operations or programs, to provide for the general welfare of the Tribes and their members, to promote Tribal economic development, to donate to charitable organizations, or to support operations of local governmental agencies;

**Whereas,** The Klamath Tribes has determined, pursuant to popular referendum held on February 13, 2006, that a portion of the excess net gaming revenues from operation of the Kla-Mo-Ya Casino Corporation, after subtracting administration costs, shall be provided to tribal members in the form of individual per capita payments;

**Whereas,** Based upon the results of the popular referendum, the Klamath Tribes Tribal Council has determined that it is in the best interest of the Klamath Tribes to add language to the Klamath Tribes Gaming Ordinance at Section 45.32 to provide for distribution of a portion of the net revenues to individual tribal members in the form of per capita payments in accordance with a revenue allocation plan submitted to and approved by the Secretary of the Interior;

**Whereas,** Section 45.67 of the Gaming Ordinance provides that amendments to the Gaming Ordinance will be approved by the Executive Committee;

**Whereas,** The Klamath Tribes governmental body formerly known as the Executive Committee is now known as the "Tribal Council";

**Now therefore be it resolved,** The Klamath Tribes Tribal Council hereby approves amendment to section 45.32 of the Gaming Ordinance to provide for the distribution of a portion of the net revenues from the Tribes gaming operations in the form of individual per capita payments to tribal members in accordance with a revenue allocation plan submitted to and approved by the Secretary of the Interior, the specific language of amendment to read as follows:

**45.32 Use of Net Revenues.**

**(a) Net revenues from gaming permitted under this Ordinance shall be used only for the following purposes on approval by the General Council:**

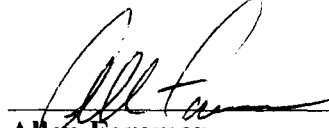
- (1) To fund tribal government operations or programs;**
- (2) To provide for the general welfare of the Tribes and its members;**
- (3) To promote Tribal economic development;**
- (4) To donate to charitable organizations; or**
- (5) To help fund operations of local government agencies.**

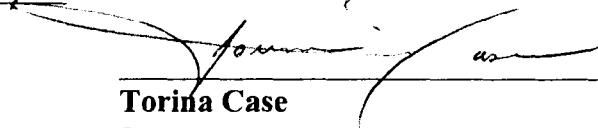
- (b) If the Tribes elect to make per capita payments to tribal members from revenues derived from its gaming operations, it shall authorize such payments only upon approval of a revenue allocation plan submitted to and approved by the Secretary of the Interior under 25 U.S.C. §2710(b)(3) and in accordance with the requirements of 25 C.F.R. Part 290.

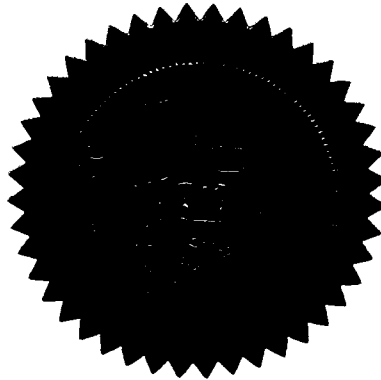
**Be it further resolved,** That the Chairman of the Klamath Tribes Tribal Council shall promptly submit the amendment to section 45.32 of the Klamath Tribes Gaming Ordinance as set forth herein to the National Indian Gaming Commission for approval.

**Certification**

We, the undersigned, Tribal Council Chairman and Secretary of the Klamath Tribes, do hereby certify that at a scheduled Tribal Council meeting held on the 23<sup>rd</sup> day of March, 2006, the Tribal Council duly adopted this resolution by a vote of 7 for, 0 opposed, and 1 abstentions.

  
Allen Foreman  
Chairman  
The Klamath Tribes

  
Torina Case  
Secretary  
The Klamath Tribes



**GAMING ORDINANCE AMENDMENT  
AT SECTION 45.32  
STRIKETHROUGH ILLUSTRATION**

*Am - 5 a*

**45.32 ~~45.32~~ Use of Net Revenues.**

(a) ~~Net revenues from gaming permitted under this Ordinance shall be used only be expended for one or more of the following purposes on approval by the Executive Committee and referral to the General Council:~~

~~(a)(1) to fund Tribal government operations or programs;~~

~~(b)(2) to provide for the general welfare of the Tribes and their its members;~~

~~(c)(3) to promote Tribal economic development;~~

~~(d)(4) to donate to charitable organizations; or~~

~~(e)(5) to support help fund operations of local governmental agencies.~~

~~(b) If the Tribes elect to make per capita payments to tribal members from revenues derived from its gaming operations, it shall authorize such payments only upon approval of a revenue allocation plan submitted to and approved by the Secretary of the Interior under 25 U.S.C. §2710(b)(3) and in accordance with the requirements of 25 C.F.R. Part 290.~~