



October 15, 2004

Kathy Hughes, Vice-Chair
Oneida Business Committee
Oneida Tribe of Indians of Wisconsin
P.O. Box 365
Oneida, WI 54155

Re: Oneida Nation Gaming Ordinance, Resolutions GTC-7-05-04-A and
BC-7-14-04-A

Dear Vice-Chair Hughes:

This letter is in response to your request for the National Indian Gaming Commission (NIGC) to review and approve the Oneida Nation Gaming Ordinance. The Ordinance was received in this office on July 20, 2004. The Oneida Tribe of Indians of Wisconsin (Tribe) adopted the Ordinance by Resolution No. GTC-7-05-04-A on July 5, 2004, and Resolution No. BC-7-14-04-A on July 14, 2004. Additional submissions were received here on October 6, 2004, and October 8, 2004. This letter constitutes approval of the Ordinance and submissions under the Indian Gaming Regulatory Act (IGRA). It is important to note that the Ordinance is approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe has jurisdiction.

Thank you for submitting the Ordinance for review and approval. The NIGC staff looks forward to working with you and the Tribe on future gaming issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip N. Hogen".

Philip N. Hogen
Chairman

Oneida Tribe of Indians of Wisconsin

BUSINESS COMMITTEE



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

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GTC Resolution # 7-05-04-A

Adoption of the Oneida Nation Gaming Ordinance (ONGO)

WHEREAS, the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States; and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin; and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

WHEREAS, gaming conducted by the Tribe on the Reservation is currently governed by the Comprehensive Gaming Ordinance, adopted in 1992 by the General Tribal Council; and

WHEREAS, the Comprehensive Gaming Ordinance is outdated and is in need of replacement; and

WHEREAS, the Oneida Nation Gaming Ordinance (ONGO) is intended to update and improve gaming operations conducted by the Tribe; and

WHEREAS, the Indian Gaming Regulatory Act (IGRA) allows the Tribe to conduct and regulate Class II and Class III Gaming; and

WHEREAS, the ONGO delegates specific regulatory functions to the Oneida Gaming Commission; and

WHEREAS, Public Hearings on ONGO were held on July 8, July 15 and December 9, 2003.

NOW THEREFORE BE IT RESOLVED, that the Comprehensive Gaming Ordinance is hereby repealed and the attached Oneida Nation Gaming Ordinance (ONGO) is hereby adopted.

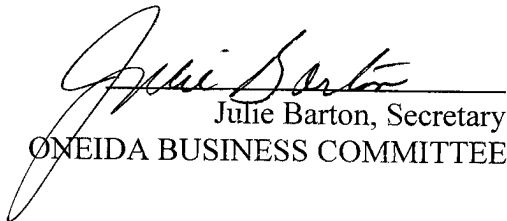
BE IT FURTHER RESOLVED, that the Oneida Nation Gaming Ordinance shall go into effect immediately upon adoption.

BE IT FINALLY RESOLVED, that from the date of the passage of the Oneida Nation Gaming Ordinance by the General Tribal Council there will be a Transition Period that shall end when the new Gaming Commission, as established under the ONGO, takes the oath of office. During this Transition Period, the following shall occur:

1. All Gaming Commissioners in office on the date ONGO is passed, or who are duly elected or appointed prior to the July, 2005 Tribal election, shall meet the qualifications under the ONGO for Gaming Commissioners.
2. The initial election for the five (5) Gaming Commissioners shall be held no later than July, 2005, and thereafter, in July of each year beginning in the year 2006.
3. The new Gaming Commissioners shall be sworn in and assume their duties as outlined in the ONGO.
4. Immediately after the new Gaming Commissioners are sworn in, the outgoing Gaming Commissioners shall be separated from their positions with the Oneida Gaming Commission and the Transition Period shall expire.
5. All Oneida Gaming Commissioners shall be responsible to fulfill their duties and responsibilities under applicable Oneida law during the Transition Period. Failure to fulfill the duties and responsibilities of the Oneida Gaming Commission during the Transition Period shall result in immediate separation from the Oneida Gaming Commission.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida General Tribal Council in session with a quorum of 224 members present at a meeting duly called, noticed, and held on the 5th day of July, 2004; that the foregoing resolution was duly adopted at such meeting by a unanimous vote of those present and that said resolution has not been rescinded or amended in any way.


Julie Barton, Secretary
ONEIDA BUSINESS COMMITTEE

Oneida Tribe of Indians of Wisconsin

BUSINESS COMMITTEE



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BC RESOLUTION

Emergency Adoption of Amendments to ONGO

WHEREAS, the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin; and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV of the Oneida Tribal Constitution by the General Tribal Council; and

WHEREAS, the Oneida Nation Gaming Ordinance (ONGO) was adopted by the General Tribal Council (GTC) on July 5, 2004; and

WHEREAS, Gaming Commissioners under ONGO are elected, and if after elected a Commissioner dies, resigns, is removed, or otherwise be unable to serve, a replacement is appointed by the Oneida Business Committee for the unexpired portion of the term; and

WHEREAS, the ONGO adopted on July 5, 2004 included section 21.6-6 (b) "Qualifications for Appointment;" and

WHEREAS, the qualifications for Gaming Commissioner were intended to be the same for both Elected and appointed Commissioners; and

WHEREAS, requiring qualifications for appointments and not for elections is a typographical error and is a distinction that was not discussed at any of the General Tribal Council meetings, public hearing, joint Oneida Business Committee/Gaming Commission meetings or any other meetings that addressed the ONGO; and

WHEREAS, Article VI of the Administrative Procedure Act (APA) authorizes the Oneida Business Committee to enact legislation on an emergency basis, to be in effect for a period of six months, renewable for an additional six months; and

Resolution #7-14-04-A

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WHEREAS, the Oneida Business Committee finds that it is necessary to correct the typographical error prior to submitting the ONGO to the National Indian Gaming Commission (NIGC) for approval and this constitutes an emergency situation which requires the immediate passage of an amendment to the ONGO which corrects that error; and

WHEREAS, emergency adoption of the amendment is necessary for the preservation of the public health, safety, or general welfare of the reservation population, and that observance of the regular APA adoption requirements for passage of laws would be contrary to public interest.

NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee hereby adopts the following emergency amendment to the Oneida Nation Gaming Ordinance:

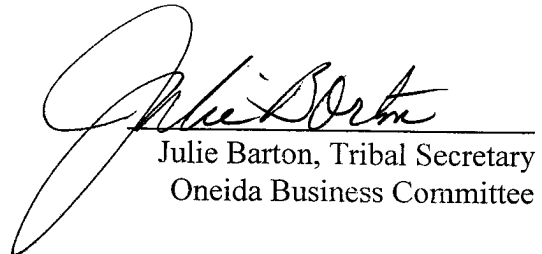
21.6-6. *Number of Commissioners, Qualifications, Background Investigation.*

- (a) Number of Commissioners. The Commission shall be comprised of five (5) elected persons.
- (b) Qualifications. To serve on the Oneida Gaming Commission, an individual:

21.6-7. *Gaming Commission Background Investigation.* All candidates for the office of Oneida Gaming Commissioner shall submit to a thorough background investigation conducted by the Oneida Tribe and completed prior to placement on the ballot or eligibility for appointment. In addition, prior to placement on the ballot or eligibility for appointment, all candidates shall disclose all conflicts of interest as required by the Oneida Conflict of Interest Policy. No individual shall be eligible for election or appointment to, or continue services on, the Commission, if:

Certification

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum. 6 members were present at a meeting duly called, noticed and held on the 14th day of July, 2004; that the foregoing resolution was duly adopted at such meeting by a vote of 5 members for; 0 members against; and 0 members not voting; and that said resolution has not been rescinded or amended in any way.


Julie Barton, Tribal Secretary
Oneida Business Committee