



OCT 19 2000

Thomas M. Disselhorts, Staff Attorney
Three Affiliated Tribes - Mandan, Hidatsa and Arikara Nation
Tribal Administration Building, HC3 Box 2
New Town, North Dakota 58763

Dear Mr. Disselhorst:

This letter is in response to your request for the National Indian Gaming Commission (NIGC) to review and approve the Three Affiliated Tribe's (Tribe) amendment to the Gaming Ordinance adopted by Resolution #00-171-DSB on May 11, 2000. The original Ordinance was approved by the Chairman of the NIGC on November 17, 1994. This letter constitutes approval of the amendment under the Indian Gaming Regulatory Act.

Thank you for submitting the amendment to the Tribal Gaming Ordinance of the Three Affiliated Tribes for review and approval. If you have questions or require further assistance, please contact Ms. Frances Fragua at 202/632-7003.

Sincerely yours,

/s/ Montie R. Deer

Montie R. Deer
Chairman

cc: Tribal Business Council
Tribal Gaming Commission

**RESOLUTION OF THE GOVERNING BODY OF
THE THREE AFFILIATED TRIBES OF THE SEP 29 2000
FORT BERTHOLD RESERVATION**

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, Article VI, Section 5(1) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to adopt resolutions regulating the procedure of the Tribal Business Council, other Tribal government entities, and Tribal officials; and

WHEREAS, Via Resolution Nos. 94-38-MW and 94-084-JJR, the Tribal Business Council adopted a Tribal Gaming Ordinance, Chapter 27 of the Codified Laws of the Three Affiliated Tribes, which was approved by the National Indian Gaming Commission (NIGC) on November 17, 1994 and March 8, 1995; and

WHEREAS, The Tribal Gaming Ordinance, in Section 2.1, established a Tribal Gaming Commission composed of five (5) members, with one (1) alternate; and

WHEREAS, The Tribal Business Council has determined that it wants a Tribal Gaming Commission composed of seven (7) members, and by action of the Council taken on March 7, 2000 by Resolution No. 00-72, and by action of the Council taken on March 10, 2000, by Resolution No. 00-88, has appointed Whitney Bell as the seventh member of the Tribal Gaming Commission and Luther Grinnell as an eighth member of the Tribal Gaming Commission, respectively;

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby amends Section 2 of the Tribal Gaming Ordinance of the Three Affiliated Tribes to read as follows:

"SECTION 2. TRIBAL GAMING COMMISSION

2.1 There is hereby established a gaming Commission which shall be called the Three Affiliated Tribes' Gaming Commission. The Commission shall have seven (7) members all of whom shall be appointed by the Tribal Business Council. The Commission shall be filled by selecting from the adult enrolled members of the Three Affiliated Tribes resident on the Reservation. The members of the Commission shall serve terms of four (4) years.

Successor Commission members shall be designated not sooner than sixty (60) days nor later than thirty (30) days before the terms of the members expire. A Commission member may be removed during his or her term for cause upon a two-thirds vote of the members voting of the Council. Vacancies which occur by death, disability, resignation or removal shall be filled by the Council within thirty (30) days after the vacancy occurs, and such replacement shall serve the remainder of the terms of the former member.

- 2.1.1 The Commission shall be funded in accordance with a budget prepared by the Commission and as approved by the Council.
- 2.2 No member of the Commission shall engage in any business which is subject to regulation by the provisions of this Ordinance.
- 2.3 The Commission shall act by majority vote of a quorum present and each member of the Commission shall be entitled to one vote. A quorum shall consist of five (5) members.
- 2.4 The Tribal members shall appoint the members of the Commission as soon as possible after the effective date of the Ordinance. Such members shall assume their offices immediately upon appointment, and shall serve until their successors are appointed.
- 2.5 The Commission shall elect from among its members a Chairman, a Comptroller, and such other officers as the Commission may deem appropriate. The Comptroller shall be bonded, and shall be responsible for all money collected by the Commission.”

NOW THEREFORE, BE IT FURTHER RESOLVED, That the Tribal Business Council hereby ratifies any and all acts of the Commission taken since March 7, 2000 to the present, in which the seventh and eighth members appointed by the Council on March 7, 2000 and March 10, 2000 have participated; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, That the Tribal Business Council does hereby rescind Resolution No. 00-88 appointing Luther Grinnell as a Gaming Commissioner in its entirety, and instead appoints Luther Grinnell as a liaison between the Gaming Commission, management of the Casino, and the Tribal Business Council, to be paid as permitted pursuant to a budget for the position as may prepared by the Tribal Treasurer; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, That the Tribal Business Council hereby determines that should one of the present Commissioners, other than Luther Grinnell, desire to assume the position of liaison outlined above, then Luther Grinnell will be considered to be appointed to the vacant Commissioner position; and


NOW, THEREFORE, BE IT FURTHER RESOLVED, That the Tribal Business Council hereby authorizes the Tribal Personnel office to do a study of appropriate compensation rates for the Gaming Commissioners, taking into account length of service on the Commission, and authorizes the Personnel Department to make a recommendation as to appropriate levels of compensation for the Commissioners; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, That the Tribal Business Council hereby authorizes the Chairman and Secretary of the Three Affiliated Tribes to formally submit this Resolution containing the foregoing amendment to the existing Tribal Gaming Ordinance to the National Indian Gaming Commission (NIGC) for approval pursuant to the Indian Gaming Regulatory Act (Title 25, Sections 2701 *et seq.* of the United States Code) and regulations pertaining thereto, as amended, and further authorizes the Chairman and the Secretary of the Three Affiliated Tribes to take such further and other actions as may be necessary to obtain approval by the NIGC of the Tribal Gaming Ordinance of the Three Affiliated Tribes, as amended by this resolution.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 11th day of May, 2000; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 11th day of May, 2000.


Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:


Tex G. Hall

Chairman, Tribal Business Council