



DGC

MAY 23 2005

Karla Reimer, Council Secretary
Yavapai-Apache Nation
2400 W. Datsi Street
Camp Verde, Arizona 86322

RE: Yavapai-Apache Amendment to its Tribal Gaming Ordinance

Dear Ms. Reimer:

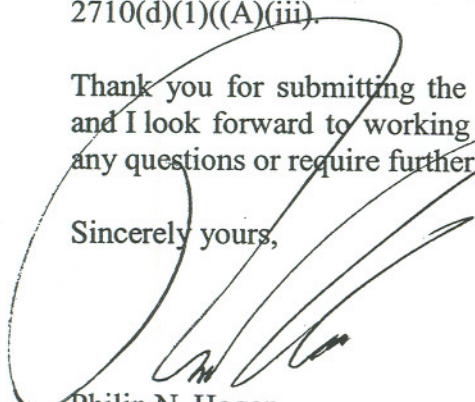
This letter responds to your letter of April 5, 2005, requesting the National Indian Gaming Commission (NIGC) review and approve the amendment to the Yavapai-Apache Nation (Nation) Gaming Ordinance, adopted and approved by the Tribal Council on March 24, 2005, by Resolution No. 30-05. By the Nation's Resolution, the Tribal Council amended Section 1 Subsection R of the Nation's Gaming Ordinance to comply with the State Compact on monthly vendor licensing limits.

This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA). It is important to note that the amendment is approved for gaming only on Indian lands, as defined in the IGRA, over which the Nation has jurisdiction.

We further note that the Resolution indicates an effective date of March 24, 2005. This is the date the Resolution was approved by the Tribal Council. Please be advised that the amendment is effective upon approval by the NIGC Chairman. See 25 U.S.C. §§2710(b)(1)(B) and 2710(d)(1)(A)(iii).

Thank you for submitting the Nation's amendment for review and approval. The NIGC staff and I look forward to working with you and the Nation on future gaming issues. If you have any questions or require further assistance, please contact Ms. Frances Fragua at 202/632-7003.

Sincerely yours,



Philip N. Hogen
Chairman

cc: Tribal Council
Courtney Scott, Executive Director of Administrative Operations
Edwin Kane, Finance Director
Charley Laman, Attorney General

**RESOLUTION NO. 30-05
OF THE GOVERNING BODY OF THE
YAVAPAI-APACHE NATION**

**A Resolution Amending Only Section 1, Subsection R of the Tribal Gaming Code
to Comply with the State Compact on Monthly Vendor Licensing Limits**

WHEREAS: The Yavapai-Apache Tribal Council (“Council”) is empowered to represent the Yavapai-Apache Nation (“Nation”) and act on all matters that concern the health and welfare of the Nation, and to make decisions not inconsistent with or contrary to the Constitution of the Yavapai-Apache Nation; and

WHEREAS: The Council is the legislative body of the Nation empowered to enact laws, ordinances and resolutions incidental to the exercise of legislative powers as provided by Article V(v) of the Nation’s Constitution, to manage Tribal enterprises pursuant to Article V(i) of the Nation’s Constitution, and to appropriate and regulate the use of tribal funds pursuant to Article V (k) of the Nation’s Constitution; and

WHEREAS: The Nation is committed to fully complying with the State Gaming Compact and operating its Casino enterprise in an efficient and effective manner; and

WHEREAS: The Tribal Gaming Ordinance at Section 1, Subsection R states that Vendors providing more than \$10,000 in goods and services in a calendar year must be licensed by the Tribal Gaming Office as a Vendor, yet the State Compact only requires Vendors to be licensed if they provide more than \$10,000.00 in goods and services per month, and the Ordinance should be amended to comply with the State Compact. The amended Section 1, Subsection R of the Yavapai-Apache Nation Ordinance should read as follows:

“Gaming Services” means providing of any goods or services to the Nation in connection with the operation of Class III Gaming in a Gaming Facility, including but not limited to equipment, transportation, food, linens, janitorial supplies, maintenance, or security services for the Gaming Facility, in an amount in excess of **Ten Thousand Dollars (\$10,000) per month**, provided that, for the purpose of this Subsection, the provision of legal services and utilities shall not be considered gaming services.

WHEREAS: The Nation believes it is in the best interests of the Nation to have the Compact and Ordinance state the same threshold amount for Vendor licensing in the same time periods; and

WHEREAS: This amendment is in compliance with the State Gaming Compact and is lawful and permissible pursuant to the Indian Gaming Regulatory Act (“IGRA”), 25 U.S.C., 2701 *et seq.*,

NOW THEREFORE BE IT RESOLVED, that the Yavapai-Apache Nation’s Tribal Council, hereby amends Section 1, Subsection R of its Tribal Gaming Ordinance to read as follows:

“Gaming Services” means providing of any goods or services to the Nation in connection with the operation of Class III Gaming in a Gaming Facility, including but not limited to equipment, transportation, food, linens, janitorial supplies, maintenance, or security services for the Gaming Facility, in an amount in excess of **Ten Thousand Dollars (\$10,000) per month**, provided that, for the purpose of this Subsection, the provision of legal services and utilities shall not be considered gaming services. (Tribal Gaming Ordinance, Section 1, Subsection R, p. 3, as amended on March 24, 2005)

And this amendment is effective as of its date of enactment, March 24, 2005, unless the same is not approved by the National Indian Gaming Commission.

BE IT FURTHER RESOLVED THAT: the duplicate originals of this Amendment shall be filed with following Offices of the Yavapai-Apache Nation: the Secretary of the Tribal Council, the Treasurer of the Tribal Council, the Clerk of the Tribal Trial Court, Tribal Gaming Office, and the Attorney General’s Office as soon as practicable and a duplicate original shall be submitted to the National Indian Gaming Office for its approval, with certified copies of this Amendment being sent to the Department of Interior, Bureau of Indian Affairs and Office of Indian Gaming Management, and the State of Arizona, Department of Gaming, as notice of the modification to Section 1, Subsection R of the Yavapai-Apache Nation’s Tribal Gaming Ordinance .

BE IT FURTHER RESOLVED, that the Chairman take all necessary actions to ensure that the Nation’s Amendment to its Tribal Gaming Ordinance is approved by the National Indian Gaming Commission in compliance with the Indian Gaming Regulatory Act, 25 U.S.C.2701 *et seq.*

BE IT FURTHER RESOLVED, that the Chairman take all necessary action to ensure that the Department of Interior’s Bureau of Indian Affairs and Office of Indian Gaming Management and the State of Arizona, Department of Gaming, are informed of this amendment.

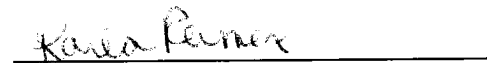
CERTIFICATION

I hereby certify that the foregoing resolution was adopted by an affirmative vote of the Tribal Council, at a Special Meeting of the Tribal Council with a quorum present on March 24, 2005, by a vote of 7 in favor, 0 opposed and 0 abstaining, pursuant to the authority contained under the Constitution of the Yavapai-Apache Nation.



Jamie Fullmer, Chairman

ATTEST:



Karla Reimer, Council Secretary