



May 19, 2008

VIA FACSIMILE AND U.S. MAIL

J. Michael Chavarria, Governor
Pueblo of Santa Clara
Office of the Governor
P.O. Box 580
Española, NM 87532
Fax: (705) 753-5375

Re: Request for approval of amendment to Santa Clara Gaming Code

Dear Governor Chavarria:

This letter responds to your request to the National Indian Gaming Commission (NIGC) to review and approve the amendment to the Santa Clara Pueblo (Pueblo) Gaming Code. On February 19, 2008, the Pueblo's Tribal Council amended its Gaming Code by Resolution No. 08-03. The amendment was submitted to the NIGC on March 4, 2008, and received by the NIGC on March 7, 2008.

The amendment is consistent with the requirements of the Indian Gaming Regulatory Act (IGRA) and NIGC regulations, therefore it is approved. However, in reviewing the amendment and considering many other ordinances and amendments that have been submitted and approved for other tribes, my staff identified several areas in which the Gaming Code may be made more useful. The Office of General Counsel will be forwarding you a letter identifying recommended revisions that I encourage you to consider. As always, please feel free to seek assistance from my staff in this, or any other gaming related matter.

Thank you for your submission. If you have any questions or require assistance, please contact Staff Attorney Esther Dittler in the Office of the General Counsel, at (202) 632-7003.

Sincerely,

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

Philip N. Hogen
Chairman

cc: Richard W. Hughes

SANTA CLARA

POST OFFICE BOX 580
(505) 753-7326
(505) 753-7330



INDIAN PUEBLO

ESPANOLA, NEW MEXICO
87532

OFFICE OF GOVERNOR

PUEBLO OF SANTA CLARA TRIBAL COUNCIL

RESOLUTION NO. 08-03

AMENDING THE SANTA CLARA GAMING CODE

WHEREAS, in 2007 the Pueblo and the State of New Mexico negotiated a number of amendments to the 2001 Tribal-State class III Gaming Compact, which amendments were approved by the Secretary of the Interior and are now in effect; and

WHEREAS, a number of those amendments necessitate changes in the text of the Santa Clara Pueblo Gaming Code, so as to conform those provisions with the new Compact provisions; and

WHEREAS, the Tribal Council has been advised by the National Indian Gaming Commission ("NIGC") that in two relatively minor respects, the Pueblo's Gaming Code needs to be amended to conform with certain provisions of the Indian Gaming Regulatory Act ("IGRA"), and regulations issued thereunder; and

WHEREAS, the Santa Clara Pueblo Gaming Commission ("SCPGC") has requested that the Tribal Council enact certain other amendments to the Gaming Code; and

WHEREAS, the Pueblo's general counsel has prepared a set of amendments to the Gaming Code meeting the requirements of the new Compact amendments and of the NIGC, and responding to the requests of the SCPGC, and they have been reviewed by the Tribal Council and found to be in the best interests of the Pueblo;

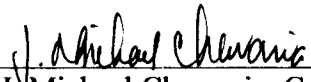
NOW THEREFORE BE IT RESOLVED, by the Tribal Council of the Pueblo of Santa Clara, as follows:

1. The proposed amendments to the Santa Clara Pueblo Gaming Code, as shown on Exhibit A, attached hereto, be and the same are hereby adopted by the Tribal Council.

2. The Governor and the Pueblo's general counsel are directed to submit these amendments to the Chairman of the National Indian Gaming Commission for his approval, as required by IGRA.

CERTIFICATION

I, the undersigned, as Governor of the Pueblo of Santa Clara, hereby certify that the Santa Clara Tribal Council, at a duly called meeting that was convened with proper notice and was held on the 19th day of February, 2008, at the Santa Clara Pueblo, New Mexico, a quorum being present, approved the foregoing Resolution with 11 members voting in favor, 0 opposed, 1 abstaining and 0 being absent.



J. Michael Chavarria, Governor

Attest:



Tribal Secretary

Exhibit A

AMENDMENTS TO SANTA CLARA GAMING CODE adopted by Resolution No. 08 -03, February 19, 2008

The Santa Clara Pueblo Gaming Code is hereby amended as follows:

1. Section 109.7(A)(1) is amended by changing the final period thereof to a comma, and adding the following language: “but provided that no such extension may be granted in the case of a person who by virtue of his or her position is deemed to be a Key Employee or Primary Management Official.”

2. Section 109.7(B)(1) is amended by deleting the existing text thereof in its entirety, and inserting the following in its place:

1. Each applicant for a Gaming Employee license from the Commission shall submit an application, before commencing employment, on the form prescribed by the Commission, including all of the information required by the Compact, this Code, and by IGRA, and such additional information as the Commission may reasonably determine by regulation to be necessary or helpful to the licensing process.

3. Section 109.8(A) is amended by changing “six (6)” in the final sentence thereof to “five (5)”.

4. Section 109.9(B) is amended by deleting the existing text thereof in its entirety, and inserting the following in its place:

B. Centralized Computer Monitoring of Electronic Gaming Devices. Every electronic gaming device in use in the Gaming Facility shall be connected to a central computer within the facility, which computer shall continuously record the gaming activity of each device, and that data shall be accessible to the State Gaming Representative, in accordance with the standards, restrictions and requirements set forth in the Compact.

5. Section 109.9(H) is amended by deleting the existing text thereof in its entirety, and inserting the following in its place:

H. Inducements to Patrons to Game. The Gaming Enterprise shall not provide, allow, contract to provide or arrange to provide alcoholic beverages for no charge or at reduced prices, or provide, allow, contract to provide or arrange to provide food or lodging for no charge or at nominal prices, at a Gaming Facility or a lodging facility, as an incentive or enticement for patrons to game, except that nothing herein shall prevent the Gaming Enterprise from providing rewards to patrons in exchange for points or credits accrued under any form of a players' club

program.

6. Section 109.9(I)(4) is amended by deleting the existing text thereof in its entirety, and inserting the following in its place:

4. The Gaming Enterprise shall spend annually an amount that is no less than one-quarter of one percent (.25%) of its net win as that term is defined in the Compact, to fund or support programs for the treatment and assistance of compulsive gamblers in New Mexico or who patronize New Mexico gaming facilities, and for the prevention of compulsive gambling in New Mexico; and shall require that a substantial portion of such funds be distributed to an organization that has expertise in and provides counseling, intervention or other services for compulsive gamblers in New Mexico, and whose services are available to all persons without regard to race or tribal membership. Expenditures for the training, referrals and other measures required by this subsection shall be considered part of the required expenditures. The Gaming Enterprise shall provide to the Commission an annual accounting of the expenditures required hereunder by no later than ninety (90) days after the end of the calendar year to which the accounting pertains, and such accounting shall also be made available to the State Gaming Representative, upon reasonable request.

7. Section 109.9(L) is amended by deleting the semicolon after the word “requirement”, and all of the text after the semicolon to the final period.

8. Section 109.9(M) is amended by deleting the existing text thereof in its entirety, and inserting the following in its place:

M. Payout Requirement. Every gaming device in use at a Gaming Facility shall pay out a mathematically demonstrable percentage of all amounts wagered, which must not be less than eighty percent (80%), as determined by a nationally certified gaming device testing laboratory, and the Gaming Enterprise shall prominently post in visible locations within the Gaming Facility notices stating that the Gaming Enterprise is in compliance with this requirement, and shall provide a comprehensible explanation of the meaning of this requirement.

9. Section 109.10(C) is amended by adding a new sentence at the end thereof, reading as follows: “Unless the Pueblo has elected to participate in a state program for unemployment insurance or workers’ compensation, an employee may appeal an adverse determination on the employee’s claim for unemployment benefits or workers’ compensation benefits by initiating an action against the Gaming Enterprise and the insurer, within thirty (30) days of such determination, in the Santa Clara Tribal Court, which court shall hear the matter as an ordinary civil action.”

10. A new section 109.12 is added, reading as follows:

Sec. 109.12 Facility Standards

Every Gaming Facility licensed hereunder shall be constructed and maintained in full compliance with the standards and requirements of the National Electrical Code, the Uniform Building Code, the Uniform Mechanical Code, the Uniform Fire Code and the Uniform Plumbing Code, as those Codes have been adopted or apply within Santa Fe County, New Mexico; but nothing herein shall be construed as conferring on any state or local political subdivision of the state any jurisdiction or authority to enforce any such Code on Santa Clara Lands.