



September 28, 2004

Mr. Daniel W. Hester
Fredericks, Pelcyger & Hester
Christopher Plaza
1075 South Boulder Rd., Suite 305
Louisville, CO 80027

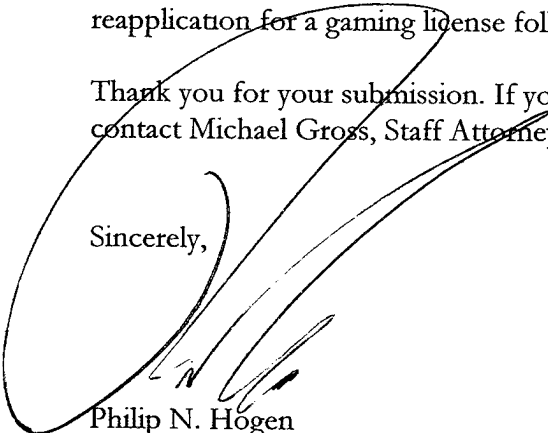
Re: Confederated Tribes of the Umatilla Indian Reservation, ordinance approval

Dear Mr. Hester,

This is in response to your July 29, 2004, letter seeking review and approval of the Umatilla Confederated Tribes' gaming code, as amended by Resolution No. 04-046. The amendments, hereby approved, renumber the code for internal consistency with the Tribes' other ordinances and authorize the Tribal Gaming Commission to adopt regulations governing reapplication for a gaming license following a denial or a revocation.

Thank you for your submission. If you have questions or require further assistance, please contact Michael Gross, Staff Attorney, at 202-632-7003.

Sincerely,



Philip N. Hogen
Chairman

C E R T I F I C A T E

The undersigned, Antone C. Minthorn and Rose Mary Narcisse, hereby certify that they are the Chairman and Secretary, respectively, of the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation (Confederated Tribes), and that at a regular meeting of said Board at the Board Room of the Tribal office building, Mission, Oregon, on the 12th day of July, 2004, a quorum of said Board was present and the following, Resolution was regularly moved, seconded, and adopted by a vote of 5 for, 0 against, and 0 abstaining.

R E S O L U T I O N

WHEREAS, the Board of Trustees is governing body of the Confederated Tribes by the authority of Article VI, Section 1 of the Constitution and Bylaws of the Confederated Tribes, adopted on November 4, 1949 and approved on December 7, 1949, as amended; **AND**

WHEREAS, pursuant to Article VI, Section 1 (d) of the Confederated Tribes' constitution, the powers of the Board of Trustees include the authority "to promulgate and enforce ordinance governing the conduct of all persons and activities within the boundaries of the Umatilla Indian Reservation"; **AND**

WHEREAS, by Resolution No. 94-14, adopted by the Board of Trustees on February 22, 1994 the Board of Trustees enacted the Tribes' Gaming Code, which was subsequently amended by Resolution 99-102, adopted by the Board of Trustees on December 15, 1999, and by Resolution 01-101, adopted by the Board of Trustees on October 1, 2001; **AND**

WHEREAS, the Gaming Code establishes the standards to govern the conduct of gaming activities on Confederated Tribes' lands and establishes the Confederated Tribes' Tribal Gaming Commission to implement those standards, oversee gaming activities on Tribal lands, and promulgate regulations; **AND**

WHEREAS, the Gaming Code at Sections 11 – 13 establishes the general standards pursuant to which the Tribal Gaming Commission is to make decisions regarding licensing of individuals and entities to conduct gaming activities on Tribal lands; **AND**

WHEREAS, the Gaming code at Section 13 (a)(6) currently provides that "Denial of employment or a License by the Tribal Gaming Commission is final"; and

WHEREAS, the Tribal Gaming Commission has informed the Board of Trustees that this provision has resulted in situations where Tribal members and other license applicants who have been denied licenses are permanently prohibited from reapplying for a license, even where substantial time has passed and the circumstances that led to the licensure denial have changed substantially; **AND**

WHEREAS, the Tribal Gaming Commission has adopted a resolution requesting that the Board of Trustees enact an amendment to Section 13 (A)(6) that would authorize the Tribal Gaming Commission to promulgate regulations to permit such individuals to request an opportunity to reapply for licenses; **AND**

WHEREAS, the Board of Trustees has determined that the Tribal Gaming Commission's proposal is in the best interest of the Tribe and would protect the integrity of gaming operations on Tribal lands; **AND**

WHEREAS, the Board of Trustees, reviewed the proposed amendment to Section 13(A)(6) of the Tribal Gaming Code at a work session on July 1, 2004; **AND**

WHEREAS, the Board has directed that a uniform format should be used for its statutes, including internal outline format; **AND**

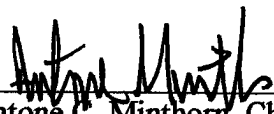
WHEREAS, the Office of Legal Counsel has prepared a version of the Gaming Code, that incorporates the amendment to Section 13(A)(6) and also applies the uniform internal outline and citation format to the Code; **NOW THEREFORE, BE IT**

RESOLVED, that the Board of Trustees hereby approves and adopts the proposed amendment to Section 13(A)(6) of the Tribal Gaming Code, **AND BE IT FINALLY**

RESOLVED, that the Board approves the submission of a revised Gaming Code to the National Indian Gaming Commission for review and approval; the revised code shall be consistent with the format used for other tribal codes and shall incorporate the amendment; a copy of the amended and revised Section 13, now designated section 2.04, is attached to this resolution;

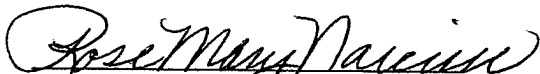
AND that said Resolution has not been modified, amended, or repealed, and is still in full force and effect.

DATED this 19th day of July, 2004.



Antone C. Minthorn, Chairman
Board of Trustees

A T T E S T:


Rose Mary Narcisse, Secretary
Board of Trustees