



JUN 10 2004

Brenda Case
Gaming Commission Chairman
Kaw Nation of Oklahoma
107 North Main
PO Box 141
Newkirk, OK 74647

Re: Amendment to Gaming Ordinance of the Kaw Nation

Dear Commissioner Case:

By letter dated May 20, 2004, you submitted an amendment to the Kaw Nation of Oklahoma Gaming Ordinance of 2004 (Gaming Ordinance) for review and approval by the National Indian Gaming Commission (NIGC) Chairman. The amendment, adopted by the Kaw Nation Executive Council on May 15, 2004 with Resolution 04-36, adds new sections 10-11-(L) and 10-11-(M) to the Gaming Ordinance.

The Gaming Ordinance was adopted by Resolution 04-07 on January 11, 2004, and amended with Resolution 04-28 on March 23, 2004. I approved the Gaming Ordinance, as amended, by letter dated April 13, 2004. This letter constitutes approval of the recent amendment adopted with Resolution 04-36.

Thank you for submitting the amendment for our review.

Sincerely,

A large, stylized handwritten signature in black ink, which appears to read "Philip N. Hogen". The signature is written over the word "Sincerely," and extends downwards and to the right.

Philip N. Hogen
Chairman



KAW NATION

Drawer 50
 Kaw City, OK 74641
 (580) 269-2552 Fax (580) 269-1157

MAY 20 2004

**KAW NATION OF OKLAHOMA
 RESOLUTION NO. 04-36**

**A RESOLUTION AMENDING THE KAW NATION GAMING ORDINANCE TO
 ALLOW THE KAW NATION GAMING COMMISSION TO HIRE AND FIRE ITS
 OWN STAFF AND TO ESTABLISH PERSONNEL POLICIES AND PROCEDURES.**

WHEREAS, the Kaw Nation of Oklahoma is federally recognized by the Secretary of the Interior as evidenced by a Constitution adopted and ratified on August 14, 1990, and;

WHEREAS, the Kaw Nation Executive Council is the governing body of the Kaw Nation of Oklahoma, and;

WHEREAS, the Kaw Nation Executive Council has the duty and responsibility to act in the best interest of the Kaw Nation, and;

WHEREAS, the Kaw Nation Executive Council has established the Kaw Nation Gaming Commission (KNGC) to regulate the Tribe's gaming operations, and;

WHEREAS, the Kaw Nation wishes to amend the 2004 Gaming Ordinance to allow the Kaw Nation Gaming Commission to establish personnel policies and procedures with the authority to hire and fire its own staff.

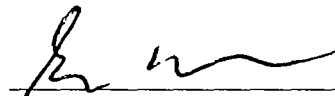
NOW THEREFORE BE IT RESOLVED, with full authority and approval, a quorum being present, the Kaw Nation amends Section 10-11 of the 2004 Kaw Nation Gaming Ordinance to provide the Kaw Nation Gaming Commission the authority to establish personnel policies and procedures, and the authority to hire and fire its own staff. Therefore Section 10-11 of the 2004 Kaw Nation Gaming Ordinance shall be amended to create a new subsection to read as follows:

Section 10-11 (L) To be authorized to make all hiring and firing determinations concerning the KNGC employees; and

Section 10-11 (M) Adopt and amend personnel policies and procedures to govern the employment terms and conditions of KNGC employees.


CERTIFICATION

I, **Guy Munroe**, Chairman of the Executive Council, do hereby certify that said resolution was approved and adopted on this 15th day of May, 2004, as an official act by quorum vote of the Executive Council and the vote was: 3 for; 0 against; 1 abstentions; and 0 absent.



Guy Munroe, Chairman/CEO

ATTEST:


Secretary



KAW NATION

Drawer 50
Kaw City, OK 74641
(580) 269-2552 Fax (580) 269-2301
KAW NATION OF OKLAHOMA
RESOLUTION NO. 04-28

A RESOLUTION AMENDING THE 2004 KAW NATION GAMING ORDINANCE IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE NATIONAL INDIAN GAMING COMMISSION

WHEREAS, The Kaw Nation is a Federally recognized Indian Tribe, and operates pursuant to a Constitution adopted and ratified on August 14, 1990; and

WHEREAS, The Kaw Nation Executive Council is the governing body of the Kaw Nation with legislative authority; and

WHEREAS, the Kaw nation Executive Council determined that it is in the best interest of the Kaw Nation to make amendments to the 2004 Kaw Nation Gaming ordinance in accordance with recommendations from the National Indian Gaming Commission; and

WHEREAS, the Kaw Nation Executive Council desires that the 2004 Kaw Nation Gaming Ordinance be in compliance with the Indian Gaming Regulatory Act and amends the following sections to read accordingly.

NOW, THEREFORE, BE IT RESOLVED AND ENACTED THAT;

Section 1-07. Ownership of Gaming. In accordance with IGRA and 25 C.F.R. 522.4 (b)(1), Section 1-07 shall be amended as follows:

The Tribe shall have sole proprietary interest and responsibility for the conduct of any gaming operation authorized by this Ordinance.

Section 1-09. Unauthorized Gaming. In accordance with the recommendation of the National Indian Gaming Commission and to clarify criminal jurisdiction issues, Section 1-09 shall be amended to read as follows:

Any person who commits any act of unauthorized gaming on Kaw Nation Indian Lands may result in loss of their gaming license, and if subject to the criminal jurisdiction of the Kaw Nation, may be prosecuted in the Kaw Nation Tribal Court, or referred to the proper authorities for prosecution.

Section 2-08. Promulgation of Gaming Rules and Regulations. In accordance with 25 C.F.R. 522.4(b)(4), Section 2-08 shall be amended and read as follows:

The Commission may promulgate rules governing the control of internal fiscal affairs of gaming operations. At least annually, an independent audit of the gaming operations and all gaming related contracts that result in expenditures of \$25,000 or more in any year and shall submit the resulting reports to the National Indian Gaming Commission.

Section 4-04. Completion of Investigation. In accordance with the recommendations of the National Indian Gaming Commission, Section 4-04 shall be amended and read as follows:

Upon completion of the investigation, the Commission may either (i) grant a license to the applicant, or (ii) notice the applicant for a hearing under Article V of this Ordinance. The Commission may notice the applicant for a hearing at any time during the investigation for any potential problems or disqualifying information. The procedures for conducting the investigation shall include, but are not limited to:

- (a) The Commission shall conduct an investigation sufficient to make a determination concerning the suitability of the applicant for issuance of a gaming license.
- (b) In conducting a background investigation, the Commission or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.
- (c) The Commission shall review the person's prior activities, criminal record, if any and reputation, habits and associations; and the Commission shall interview or check with references and former employers to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation.
- (d) The Commission, in reviewing the criminal record, if any, of any applicant shall be required to submit fingerprint cards and the Commission shall request any criminal records from the Federal Bureau of Investigations.
- (e) If the Commission determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices or methods and activities in the conduct of gaming, a tribal gaming

operation shall not employ the person in a key employee or primary management official position.

- (f) The Commission shall adopt a records retention policy sufficient to safeguard and maintain the background and licensing records, and the records containing the reasons for licensing determination.


Section 10-03. Amendments. In compliance with IGRA, Section 10-03 shall be amended and shall read as follows:

All rules promulgated by the Commission are subject to proper revision, repeal, or amendment by the Commission. All amendment to this Ordinance shall be effective upon the date of passage by the Executive Tribal Council. All amendments to this Ordinance shall be submitted in accordance with the Indian Gaming Regulatory act and the 25 C.F.R. Part 501, et seq. requirements to the National Indian Gaming Commission, Chairman for approval.

I, Guy Munroe, Chairman/CEO of the Kaw Nation Executive Council, do hereby certify that said resolution was approved and adopted on the 23rd day of March, 2004, as an official act by quorum vote of the Kaw Nation Executive Council and that the vote was : 4 for; 0 against; 0 abstentions; and 0 absent.



Guy Munroe, Chairman/CEO

ATTEST: 
Secretary

