

NATIONAL
INDIAN
GAMING
COMMISSION

SEP 20 1994

Kenny A. Anderson, Tribal Chairman
Las Vegas Paiute Tribe
Number One Paiute Drive
Las Vegas, Nevada 89106-3261

Dear Chairman Anderson:

This letter responds to your request to review and approve Tribal Gaming Resolution No. 94-016, adopted on June 7, 1994, by the Las Vegas Paiute Tribe (Tribe). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review ordinances or resolutions with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations. Provisions other than those required under the IGRA or the NIGC regulations that may be included in a tribal resolution are not subject to review and approval. Also, such approval does not constitute approval of specific games. It is important to note that the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA.

Pursuant to the tribal-state compact between the Tribe and the State of Nevada, all state gambling laws and regulations will apply to the conduct of class II and class III gaming on tribal lands. Additionally, the State Gaming Control Board and the Nevada Gaming Commission are vested with the exclusive authority to conduct background investigations and license key employees and primary management officials involved in class II and class III gaming. While vesting the State with jurisdiction over class II gaming does not strictly comport with the IGRA, the NIGC has nevertheless approved the tribal ordinance because of Nevada's extensive experience in the regulation of gaming. The NIGC will monitor the regulation of class II gaming by the State of Nevada and advise the Tribe should changes become necessary.

Thank you for submitting the resolution of the Las Vegas Paiute Tribe for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,

Anthony J. Hope

Anthony J. Hope
Chairman



Las Vegas Paiute Tribal Council

Kenny A. Anderson, Chairman

Charles Frye, Vice-Chairman

Tonia Carter
Norman L. Harris
Larry Pete
Marla Pete
Lawana Ramos

RESOLUTION NO. 94-016

RESOLUTION OF THE LAS VEGAS PAIUTE TRIBE AUTHORIZING THE EXECUTION AND DELIVERY OF A GAMING COMPACT WITH THE STATE OF NEVADA AND AUTHORIZING THE CONDUCT OF CLASS II AND CLASS III GAMING ON THE LANDS OF THE LAS VEGAS PAIUTE TRIBE IN ACCORDANCE WITH THE INDIAN GAMING REGULATORY ACT

WHEREAS, the Las Vegas Paiute Tribe (the "Tribe") is organized under the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) and a Constitution approved by the Tribe on June 24, 1970, as amended; and

WHEREAS, pursuant to Article IV, Section 1 of the Tribal Constitution (the "Tribal Constitution"), the Las Vegas Tribal Council (the "Tribal Council") is the governing body of the Las Vegas Paiute Tribe; and

WHEREAS, pursuant to Article VII, Section 1, clauses (e), (f) and (g) of the Tribal Constitution, the Tribal Council is empowered, among other things, to manage all economic affairs and enterprises of the Las Vegas Paiute Tribe, to regulate the conduct of trade and the use and disposition of tribal property and to enact legislation for the purpose of safeguarding and promoting the peace, safety, morals, and general welfare of the members of the Las Vegas Paiute Tribe; and

WHEREAS, the Tribe has determined to proceed with the development of the Tribe's Snow Mountain Reservation, which development will include, among other things, the construction of four 18-hole golf courses and clubhouse and one or more casino hotels; and

WHEREAS, under the Indian Gaming Regulatory Act, Public Law 100-497, as amended ("IGRA"), in order for Class II and Class III gaming (as defined in IGRA) to be conducted on the lands of the Las Vegas Paiute Tribe, it is necessary for the Las

Vegas Paiute Tribe to (i) authorize the conduct of Class II and Class III gaming and (ii) enter into a tribal/state compact with the State of Nevada ("Nevada"); and

WHEREAS, as authorized by the Tribal Council on April 5, 1994, the Tribal Chairman has negotiated a tribal/state compact (the "Compact") with Nevada, acting through the State Gaming Control Board and the Nevada Gaming Commission, pursuant to which (i) the gaming laws of Nevada (other than tax laws) will apply to all Class II and Class III gaming on the lands of the Las Vegas Paiute Tribe, (ii) the State Gaming Control Board and the Nevada Gaming Commission will investigate, license and regulate all such gaming, and (iii) Nevada will not tax Class II or Class III gaming on the lands of the Las Vegas Paiute Tribe and the Tribe will tax such gaming at the same rates and in the same manner as Nevada taxes such gaming elsewhere in the state; and

WHEREAS, a draft of the Compact has been presented to this Tribal Council and has been reviewed to the extent deemed necessary; and

WHEREAS, the Tribal Council believes that authorizing the conduct of Class II and Class III gaming and entering into the Compact will advance the economic affairs of the Tribe and the general welfare of the members of the Tribe;

NOW THEREFORE BE IT RESOLVED:

1. Compact. The Tribal/State Gaming Compact between the Las Vegas Paiute Tribe and the State of Nevada, negotiated by the Tribal Chairman, is hereby approved. The Tribal Chairman is authorized and directed to execute the Compact on behalf of the Las Vegas Paiute Tribe and, when the Compact is executed by him and by the designated officials of Nevada, to deliver it to the Secretary of the Interior of the United States of America for approval and publication in the Federal Register as required by Section 11(d)(8) of IGRA.
2. Gaming Authorized; Applicable Law. Class II and Class III gaming is hereby authorized to be conducted on the lands of the Las Vegas Paiute Tribe. All such gaming shall be conducted in accordance with the generally applicable gaming laws of Nevada as provided in the Compact.
3. Ownership of Gaming. As required by Section 11(b)(2)(A) of IGRA, the Las Vegas Paiute Tribe shall have the sole propriety interest in and responsibility for the conduct of any gaming operation authorized by this resolution unless, by subsequent resolution of this Tribal Council, the Tribe authorizes the operation of privately owned games in accordance with Section 11(b)(4) of IGRA.

4. Use of Gaming Revenue. Net revenues (as defined in IGRA and the regulations promulgated thereunder) from Class II and Class III gaming shall be used only for the following purposes: to fund tribal government operations and programs, to provide for the general welfare of the Tribe and its members, to promote tribal economic development, to donate to charitable organizations, or to help fund operations of local government agencies. If the Tribal Council elects to make per capita payments to tribal members out of gaming revenues, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the Interior under Section 11(b)(3) of IGRA.
5. Audit. The operator of any Class II or Class III gaming operation on lands of the Las Vegas Paiute Tribe shall deliver annually to the Tribe an independent audit of such gaming operations. The Tribe shall forward copies of the audit reports to the National Indian Gaming Commission. All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit.
6. Protection of the Environment and Public Health and Safety. All Class II and Class III gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.
7. Licenses. Under the Compact, Nevada has the responsibility for investigating and licensing all Class II and Class III gaming on the lands of the Las Vegas Paiute Tribe. Nevada, acting through the State Gaming Control Board and the Nevada Gaming Commission, shall conduct all background investigations and licensing in accordance with Nevada's gaming laws and regulations. Because the Compact allocates sole jurisdiction to Nevada with respect to background investigations and licensing, the provisions of 25 C.F.R. parts 556 and 558, dealing with background investigations and licensing by a tribe, do not apply, as provided by 25 C.F.R. § 556.1 and 25 C.F.R. § 558.1.

Nevada shall issue a separate license to each place, facility, or location where Class II or Class III gaming is conducted on the lands of the Las Vegas Paiute Tribe.
8. Repeal. Any previous resolutions or ordinances of this Tribal Council that are inconsistent with this resolution are hereby repealed.

CERTIFICATION

It is hereby certified that the Las Vegas Paiute Tribal Council, governing body of the Las Vegas Paiute Tribe, composed of seven (7) members of whom six (6) constituting a quorum were present at a meeting duly held on the 7th day of June, 1994 adopted the foregoing RESOLUTION OF THE LAS VEGAS PAIUTE TRIBE AUTHORIZING THE EXECUTION AND DELIVERY OF A GAMING COMPACT WITH THE STATE OF NEVADA AND AUTHORIZING THE CONDUCT OF CLASS II AND CLASS III GAMING ON THE LANDS OF THE LAS VEGAS PAIUTE TRIBE IN ACCORDANCE WITH THE INDIAN GAMING REGULATORY ACT by the affirmative vote of five (5) for and zero (0) against pursuant to Article VII of the Constitution and Bylaws of the Las Vegas Paiute Tribe.


KENNY A. ANDERSON
Tribal Chairman

Attest:

BETH GALLAGHER
Tribal Secretary