



JUN 12 2009

Don L. Patterson
Tonkawa Tribal President
Tonkawa Tribe of Oklahoma
1 Rush Buffalo Road
Tonkawa, OK 74653

Re: Request for Approval of Amendment to the Tonkawa Gaming Ordinance

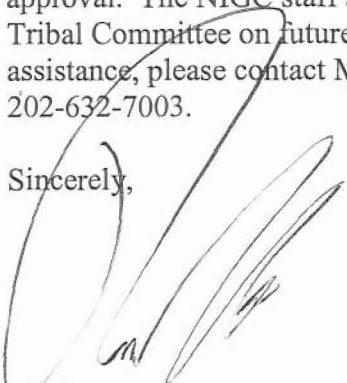
Dear President Patterson:

This letter responds to your request to the National Indian Gaming Commission (NIGC) to review and approve the amended Tonkawa Gaming Ordinance, enacted by the Tonkawa Tribal Committee by Resolution No. T-R-16-09 on May 4, 2009, and received by the NIGC on May 15, 2009.

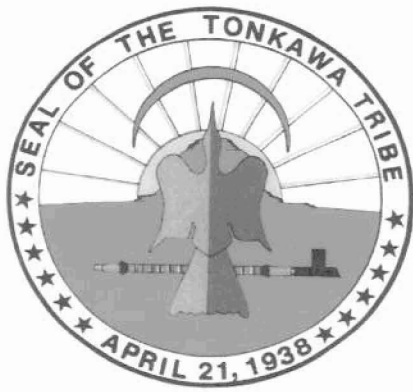
This letter constitutes approval of the amended Tonkawa Gaming Ordinance under the Indian Gaming Regulatory Act (IGRA). It is important to note, however, that approval is granted for gaming only on Indian lands, as defined in IGRA, over which the Tonkawa Tribe has jurisdiction.

Thank you for submitting the amended Tonkawa Gaming Ordinance for our review and approval. The NIGC staff and I look forward to working with you and the Tonkawa Tribal Committee on future gaming issues. If you have any questions or require assistance, please contact Melissa Schlichting in the Office of the General Counsel, at 202-632-7003.

Sincerely,



Philip N. Hogen
Chairman



TONKAWA TRIBE OF OKLAHOMA
TONKAWA TRIBAL COUNCIL

• 1 RUSH BUFFALO ROAD, TONKAWA, OKLAHOMA 74653 •
• PHONE (580) 628-2561 • FAX: (580) 628-3375 •
• WEB SITE: www.tonkawatribe.com •

May 4, 2009

RESOLUTION: T-R-16-09

A RESOLUTION REPEALING SECTION 3.2 AND 3.4 OF THE TONKAWA TRIBE OF OKLAHOMA GAMING ORDINANCE AND AUTHORIZING SUBMISSION OF THE ADMENTMENT TO THE NATIONAL INDIAN GAMING COMMISSION FOR IMMEDIATE APPROVAL.

WHEREAS: The Tonkawa Tribe of Oklahoma is a federally recognized Indian tribe having a government-to-government relationship with the United States through the Tribe's organization under the authority of the Oklahoma Indian Welfare Act of June 26, 1936 (49 State. 1967): and

WHEREAS: The Tonkawa Tribe is organized under a Constitution and By-Laws approved by the United States Secretary of the Interior on March 16, 1938 and ratified by the citizens of the Tribe on April 21, 1938; and

WHEREAS; The Tonkawa Tribe of Oklahoma, by virtue of the provisions of the Oklahoma Welfare Act of 1936, is entitled to all privileges and rights of those Indian tribes organized under Section 16 of the of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984);

WHEREAS: The Tonkawa Tribe has elected a full governmental Tribal Committee consisting of Don L. Paterson, Tribal President; James E. Schreen, Vice-President; and Candace Myer, Secretary- Treasurer; and

WHEREAS: The elected members of the Tribal Committee consistent with the powers provided by the Tonkawa Tribal Constitution and By-Laws are authorized to speak for and act on behalf of the Tonkawa Tribe of Oklahoma, and

WHEREAS: Pursuant to Article V, Section 1 of the Tonkawa Constitution the Tonkawa Tribal Committee has the duty and authority to act in the best interest of the Tribe to enact laws to regulate all gaming with the jurisdiction of the Tribe; and

WHEREAS: By its previous action, the Tribal Committee determined to become involved in Class II and Class III gaming as such terms are defined in the Indian Gaming Regulatory Act, Public Law 100-497, as codified is 25 U.S.C. §2701 *et seq.*, and

its implementing regulations promulgated by the National Indian Gaming Commission ("NIGC"); and

WHEREAS: The Tribal Committee adopted a Gaming Ordinance on January 28, 1997, as amended, and duly approved by the NIGC on February 27, 1997, and further amended on February 13, 2006, and such amendment was approved on March 22, 2006; and

WHEREAS: The Tribal Committee finds it necessary to amend said Gaming Ordinance to resolve inconsistencies and to provide for more efficient regulation of its Gaming Operations.

NOW THEREFORE BE IT RESOLVED, that the Tonkawa Tribal Committee hereby repeals Section 3.2 and 3.4 of the Tonkawa Tribal Gaming Ordinance.

BE IT FURTHER RESOLVED, that the Tribal President is hereby authorized to take all necessary action required to obtaining the full Federal approval of the above amendment to the Gaming Ordinance.

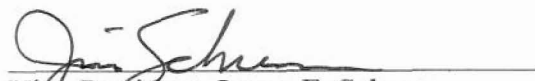
BE IT FURTHER RESOLVED, that this amended section of the Gaming Ordinance shall be effective immediately upon Federal approval.

CERTIFICATION

We, the undersigned officers of the Tonkawa Tribal Committee, do hereby certify that the forgoing Resolution T – R- 116-09 was duly adopted this 4th day of May, 2009, at a duly called special meeting of the Tonkawa Tribal Committee of the Tonkawa Tribe of Oklahoma, by a vote of 3 for, 0 against, and 0 abstaining.



President, Don L. Patterson



Vice-President, James E. Schreen



Secretary-Treasurer, Candace Myer

- 2.20 OTHER GAMES OF CHANCE** shall mean games similar to traditional bingo or in which colors, symbol or symbols are determined by chance. Such games may be played using pull tabs, raffles, tip boards, punch boards, tip jars, paddle wheels, gaming tables, tokens, satellite games of chance; or shall have the same meaning as the terms in the act of 1988 codified at 25. U.S.C. 2703 (7) (A). Any games which are not prohibited by the criminal laws of the State of Oklahoma, or which are subject to permissive regulation pursuant to Oklahoma Law, shall be included in this definition.
- 2.21 PERSONS ACTING UNDER THE AUTHORITY OR AUSPICES OF THE TRIBE.** shall mean:
- A) Persons employed by the Tribe for the specific purpose of managing, conducting, or participating in the conduct of gaming; and
 - B) Persons acting pursuant to a written management contract.
- Any other person, including persons alleging oral authorization by the Tribe, shall be regarded as a "non authorized person" for the purposes of this Ordinance.
- 2.22 PRIMARY MANAGEMENT OFFICIALS** shall mean the person having management responsibility for a management contract, any person who has the authority to hire and fire employees or to set up working policy for the gaming operation, and the chief financial officer or other person who has financial management responsibility.
- 2.23 TRIBAL JURISDICTION** shall refer to all land within the Tribal jurisdiction of the Tonkawa Tribe of Oklahoma.
- 2.24 TRIBE** shall refer to the Tonkawa Tribe of Oklahoma.
- 2.25 VIDEO LOTTERY TERMINAL** shall mean electronic or electromechanical video devices that simulate Class II or Class III games, or other gaming forms, which are activated by insertion of a coin, token, currency, or credit card devices, and which award game credits, cash token, or replays, and/or contain a meter to record unplayed credits or replays.

SECTION 3 ADMINISTRATION AND REGULATION

- 3.1 ADMINISTRATION BY TONKAWA GAMING COMMISSION.** The full power and authority of the Tribe with respect to all gaming conducted within the Tribal jurisdiction is hereby granted by the Tribe to the Gaming Commission. The Gaming commission will oversee all gaming, gaming enterprises and gaming operators upon lands within the Tribal jurisdiction and over any gaming activity in which the Tribe has a proprietary interest.

3.2 REGULATION BY THE TONKAWA GAMING COMMISSION. In order to provide for the regulation of Tribal gaming there is hereby created the Tonkawa Gaming Commission ("TGC" hereinafter). The TGC shall be comprised of a Gaming Commissioner and Three (3) members.

3.3 QUALIFICATIONS AND APPOINTMENT.

- A) The Gaming Commissioner shall be appointed by the Committee and preference shall be given to a person with knowledge and experience in the commercial gaming industry, familiarity with the Act, and experience in and knowledge of administration and administrative procedure.
- B) The members shall be appointed by the Committee. All members shall be from among the Tribal Council.
- C) Appointments of the TGC Commissioner and members shall be for a period of Four (4) years, except that of the initial members, one will be appointed for one (1) year, one for two (2) years, one for three (3) years, and one for four (4) years, which will result in staggered appointment and provide continuity with the TGC. The TGC Commissioner and all members may be re-appointed for one term.
- D) No person shall be appointed to the TGC unless the committee is satisfied that:
 - 1. He or she is a person of good character, honesty, and integrity, whose prior activities, criminal records, if any, reputation, habits, and associations do not pose a threat to the public interest of the Tribe or its members, or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods and activities in the conducting of gaming or the carrying on of the business and financial arrangements incidental thereto; and
 - 2. He or she has no interest in any private gaming activity on Indian Lands or any activity which may have an interest in conflict with the Tribal gaming operations.

3.4 DUTIES AND POWERS. The TGC shall administer the provisions of this Ordinance and shall have all the powers necessary therefore. In exercise of its duties the TGC shall:

- A) Promulgate such rules and regulations as may be necessary and desirable for the proper implementation of this Ordinance;
- B) Identify and define the rule of play for each Class II and Class III game permitted.
- C) License, supervise, inspect, and oversee all gaming activities and persons employed in gaming activities conducted within the Tribal jurisdiction.