



Karla Reimer
Council Secretary
Yavapai-Apache Nation
2400 W. Datsi Street
Camp Verde, Arizona 86322

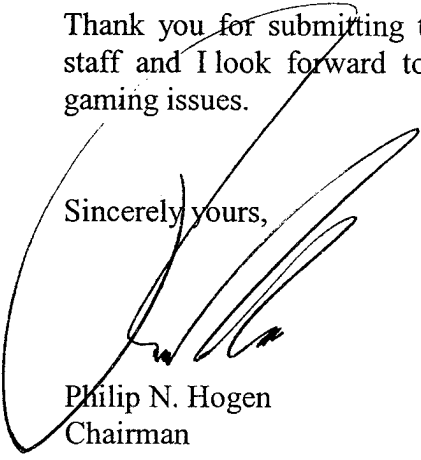
RE: Yavapai-Apache Nation Amended Gaming Ordinance

Dear Ms. Reimer:

This letter is in response to your request for the National Indian Gaming Commission (NIGC) to review and approve an amendment to the Yavapai-Apache Nation Gaming Ordinance (Ordinance Amendment), Resolution No. 45-04, approved by the Tribal Council on May 19, 2004. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA). It is important to note that the Ordinance Amendment is approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe has jurisdiction.

Thank you for submitting the Ordinance Amendment for review and approval. The NIGC staff and I look forward to working with you and the Yavapai-Apache Nation on future gaming issues.

Sincerely yours,



Philip N. Hogen
Chairman

cc: Charley Laman, Attorney General

RESOLUTION NO. 25-04
OF THE GOVERNING BODY OF THE
YAVAPAI-APACHE NATION

JUN - 2 2004

A Resolution Approving a New Revenue Allocation Plan
For Tribal Casino Revenues

WHEREAS: The Yavapai-Apache Tribal Council ("Council") is empowered to represent the Yavapai-Apache Nation ("Nation") and act on all matters that concern the health and welfare of the Nation, and to make decisions not inconsistent with or contrary to the Constitution of the Yavapai-Apache Nation; and

WHEREAS: The Yavapai-Apache Tribal Council ("Council") is the legislative body of the Yavapai-Apache Nation ("Nation") and is empowered pursuant to Article V(k) of the Constitution of the Nation to appropriate and regulate the use of Tribal funds; and

WHEREAS: The Nation owns the Cliff Castle Casino which is chartered as one of the Nation's Enterprises and under the Indian Gaming Regulatory Act ("IGRA"), 25 U.S.C. 2701 *et sec.* Specifically pursuant to 25 U.S.C. 2710(b)(3) of IGRA the Nation through its legislative body can determine how to allocate the revenues from the Casino, and have done so in the Tribal Gaming Ordinance presently filed with the National Indian Gaming Commission ("Commission") and have revenues allocated at Section 9(g) of said document, a copy of which is attached hereto as Exhibit 1 of this resolutions; and

WHEREAS: The Nation is presently interested in pursuing a per capita payment which will require that the Nation address the language of Section 9(g) of its current Tribal Gaming Ordinance and amend the same to allow for a different allocation of revenues; and

WHEREAS: The Nation will have amend its Tribal Gaming Ordinance to include new language as well as develop a revenue allocation plan, and the Nation believes that the language contained in Exhibit 2 should be the language for the Revenue Allocation Plan;

WHEREAS: The Net Revenues derived from Gaming Activities shall be deposited into a separate fund of the Nation and shall not be used for purposes other than:

1. To fund Nation's governmental operations and programs;
2. To provide for the general welfare of the Nation and its members;
3. To promote tribal economic development;
4. To donate to charitable organizations;
5. To fund the general reserve investment account for the Nation; provided that the

- funding of governmental purposes stated in items 1-5 shall not exceed 85% of the annual net revenues of the Casino; and
6. To fund a per capita investment fund for the benefit of tribal members, with 15% of the Casino's annual net revenue being distributed to the per capita investment fund and the per capita investment fund shall pay two-thirds of the 15% of the annual net revenue directly to the tribal members and the other one-third of the 15% of the annual net revenue being invested for future allocation.

NOW THEREFORE BE IT RESOLVED by the Yavapai-Apache Nation Tribal Council that amends Section 9(g) of the Tribal Gaming Ordinance to delete the current language in Section 9(g), to wit, and insert the following language therein and republish the same; and

BE IT FURTHER RESOLVED that the Chairman is directed with the assistance of the Attorney General to revise the current Tribal Gaming Ordinance on file to amend Section 9(g) only to change the language to contain the language stated herein and as stated in Exhibit 1 and obtain the Commission approval thereof; and

BE IT FURTHER RESOLVED that the Chairman is directed with the assistance of the Attorney General to revise the current Tribal Gaming Ordinance on file to amend Section 9(g) only to change the language to contain the language stated herein and as stated in Exhibit 1 and obtain the Commissions approval thereof; and

BE IT FURTHER RESOLVED that the Chairman is directed with assistance of the Treasurer/Finance Director and the Attorney General to commence drafting the Revenue Allocation Plan utilizing the language stated herein as the proposed Revenue Allocation Plan and to present a draft of the same for Tribal Council consideration and review; and

BE IT FURTHER RESOLVED that the Chairman is authorized to take all necessary actions to see that Section 9(g) of the Tribal Gaming Ordinance is amended to include this Revenue Allocation Plan without changing any other provisions of the current Tribal Gaming Ordinance on file with the National Indian Gaming Commission and take all necessary actions to have a draft of a Revenue Allocation Plan prepared and presented to Tribal Council by June 24, 2004 for Council's review.

CERTIFICATION

I hereby certify that the foregoing resolution was adopted by an affirmative vote of the Tribal Council, presented for approval on May 19 2004, by a vote of 8 in favor, 0 opposed and 0 abstaining, pursuant to the authority contained under the Constitution of the Yavapai-Apache Nation.


Jamie Fullmer, Chairman

ATTEST:

Karla Reimer
Karla Reimer, Council Secretary

G. Disposition of Net Revenues. The net revenues derived from Gaming Activities shall be deposited into a separate fund of the Nation on a quarterly basis and shall not be used for purposes other than:

1. To fund Nation governmental operations and programs;
2. To provide for the general welfare of the Nation and its members; and
3. To promote tribal economic development.

Disposition of Net Revenues. The Net Revenues derived from Gaming Activities shall be deposited into a separate fund of the Nation and shall not be used for purposes other than:

1. To fund Nation's governmental operations and programs;
2. To provide for the general welfare of the Nation and its members;
3. To promote tribal economic development;
4. To donate to charitable organizations;
5. To fund the general reserve investment account for the Nation; provided that the funding of governmental purposes stated in items 1-5 shall not exceed 85% of the annual net revenues of the Casino; and
6. To fund a per capita investment fund for the benefit of tribal members, which per capita fund shall be 15% of the annual net revenues of the Casino.