



October 31, 2011

Via U.S. Mail and Facsimile

Brett Shelton
Smith, Shelton, & Ragona, LLC
14694 Orchard Parkway, Suite A-210
Westminster, CO 80023

RE: Oglala Sioux Tribe Ordinance 95-03

Dear Mr. Shelton:

This letter responds to your request on behalf of the Oglala Sioux Tribe for the National Indian Gaming Commission to review and approve the Tribe's amendment to its gaming ordinance. The amendment, 95-03, provides for tribal gaming commissioners to be elected by their districts rather than appointed by the Tribal Council.

Thank you for bringing the amendment to our attention. The amendment is approved as it is consistent with the requirements of the Indian Gaming Regulatory Act and the NIGC regulations. If you have any questions, please contact Staff Attorney Jennifer Ward at (202) 632-7003.

Sincerely,

A handwritten signature in blue ink, appearing to read "L Stevens".

Tracie L. Stevens
Chairwoman

AUG 12 2011

ORDINANCE NO. 95-03

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL
OF THE OGLALA SIOUX TRIBE
(An Unincorporated Tribe)

1-11218

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL AMENDING OGLALA SIOUX TRIBAL ORDINANCE NO. 94-01, SECTION 7.

WHEREAS, the Oglala Sioux Tribal Council has previously adopted Oglala Sioux Tribal Ordinance No. 94-01 the Gaming Code of the Oglala Sioux Tribe, and

WHEREAS, Section 7, Gaming Ordinance, provides in part that "Upon the expiration of their term of office a member shall serve until his/her successor is appointed by the Oglala Sioux Tribal Gaming Commission", and

WHEREAS, the Oglala Sioux Tribal Council has determined that all members of the Oglala Sioux Tribal Gaming Commission shall upon the expiration of their initial term of office be replaced by Commissioners elected by such office by the voters of their respective districts, now

THEREFORE BE IT ORDAINED, that the Oglala Sioux Tribal Council Gaming Ordinance No. 94-01, which reads as follows:

"There is hereby created the Oglala Sioux Tribal Gaming Commission. The Commission shall consist of nine members, all of whom shall be appointed by the Tribal Council of the Oglala Sioux Tribe. The Commission members may be members of the Oglala Sioux Tribe. The initial members to be appointed shall draw lots to see who holds five two-year terms and four one-year terms. Thereafter, each member shall serve no more than two consecutive full terms. Upon the expiration of their term of office, a member shall serve until his/her successor is appointed by the Oglala Sioux Tribal Gaming Commission. The Commission shall select among its members a chairperson who shall preside over the meeting of the Commission. The Commission members may be removed, upon substantive proof of wrong-doing, by majority vote of the Oglala Sioux Tribal Council. Substantive proof shall be defined as documentation or evidence which would be admissible in a court of law. Any member whose removal is sought shall be entitled to be notified in writing at least three (3) days before any vote shall be taken regarding that member's removal. Any person so notified may request an informal hearing before the Tribal Council prior to a vote on his or her removal from the Commission".

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GAMING COMMISSION

is hereby amended to read as follows:

"There is hereby created the Oglala Sioux Tribal Gaming Commission. The Commission shall consist of nine members, one member elected by each respective district. Each member shall be elected by his/her respective District Council and shall be certified by their respective district council resolution and certified by the Oglala Sioux Tribal Council. The Commission members shall be members of the Oglala Sioux Tribe. The initial members to be appointed shall draw lots to see who holds five two-year terms and four one-year terms. Thereafter, each member shall serve no more than two consecutive full terms. Upon the expiration of their term of office, a member shall serve until his/her successor is elected by their district and certified by the Oglala Sioux Tribal Council. The Commission shall select among its members a chairperson who shall preside over the meeting of the Commission. The Commission members may be removed, upon substantive proof of wrong-doing, by majority vote of the Oglala Sioux Tribal Council. Substantive proof shall be defined as documentation or evidence which would be admissible in a court of law.

Any member whose removal is sought shall be entitled to be notified in writing at least three (3) days before any vote shall be taken regarding that member's removal. Any person so notified may request an informal hearing before the Tribal Council prior to a vote on his or her removal from the Commission".

C-E-R-T-I-F-I-C-A-T-I-O-N

I, as undersigned Secretary of the Oglala Sioux Tribal Council, hereby certify that this Ordinance was adopted by the vote of: 15 for: 0 against: 0 abstain; 1 not voting, during a SPECIAL SESSION held on the 21st day of MARCH, 1994.

Theresa B. Two Bulls

THERESA B. TWO BULLS
Secretary
Oglala Sioux Tribe

A-T-T-E-S-T

Mel V. Lone Hill

MEL V. LONE HILL
Vice-President
Oglala Sioux Tribe

