



JAN 10 2002

Mr. Darren Pete
Monteau, Peebles & Crowell, L.L.P.
1001 Second Street
Sacramento, CA 95814

Re: Amendment of Gaming Ordinance of the Mechoopda Indian Tribe of
Chico Rancheria

Dear Mr. Pete:

This letter is in response to your request for the National Indian Gaming Commission (NIGC) to review and approve an amendment to the Gaming Ordinance of the Mechoopda Indian Tribe of Chico Rancheria (Tribe), Resolution No. 01-56. The ordinance was adopted by the Tribal Council on October 30, 2001, and received in this office on November 5, 2001. This letter constitutes approval of your submission under the Indian Gaming Regulatory Act (IGRA). It is important to note that the gaming ordinance is approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe has jurisdiction.

Thank you for submitting the amendment for review and approval. The NIGC staff and I look forward to working with you and the Tribe on future gaming issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Montie R. Deer".

Montie R. Deer
Chairman

NOV - 5 2001

**RESOLUTION
NO. 01-56**

A Resolution to Adopt the Revised Mechoopda Indian Tribe of Chico Rancheria Class II and III Gaming Ordinance and Submit the Ordinance to the NIGC

- WHEREAS**, the Mechoopda Indian Tribe of Chico Rancheria is a sovereign federally recognized tribe as established pursuant to the Constitution of the Mechoopda Indian Tribe, approved by the Secretarial Election on February 1, 1998; and
- WHEREAS**, the Tribal Council of the Mechoopda Indian Tribe of Chico Rancheria is the governing body of the Tribe pursuant to Article IV of the Tribal Constitution; and
- WHEREAS**, the Tribal Council of the Mechoopda Indian Tribe of Chico Rancheria is authorized by the Tribal Constitution, Article VIII, Section 3(a), to promulgate and adopt ordinances for the Tribe; and
- WHEREAS**, we the duly elected Tribal Council of the Mechoopda Indian Tribe of Chico Rancheria are entrusted with the preservation of our cultural values, and promotion of the general welfare of the Mechoopda Indian Tribe; and
- WHEREAS**, the protection, safety and welfare of all persons, including, but not limited to, the preservation of education, economic and employment opportunities, and preservation of cultural and natural resources of the Mechoopda Indian Tribe, are primary goals and objectives of the Tribal Council; and
- WHEREAS**, the Mechoopda Indian Tribe of Chico Rancheria approved Resolution 01-40 on August 8, 2001 at a duly called Tribal Council Meeting, approving the amended Title I, Regulation of Class II and Class III Gaming, of the Mechoopda Indian Tribe of Chico Rancheria Gaming Ordinance of 2001 and adopted the amended Title I by Resolution 01-40; and
- WHEREAS**, the Mechoopda Indian Tribe of Chico Rancheria approved Resolution 01-53 on October 10, 2001 at a duly called Tribal Council Meeting, approving the amended Title I, Regulations of Class II and Class III Gaming, of the Mechoopda Indian Tribe of Chico Rancheria Gaming Ordinance of 2001 and adopted the amended Title I by Resolution 01-53; and

WHEREAS, the Tribal Council has determined that it is in the best interest of the Tribe to revise Section 4.23 "Appeals to Gaming Review Board" of Title I, Regulations of Class II and Class III Gaming, of the Mechoopda Indian Tribe of Chico Rancheria Gaming Ordinance of 2001 and adopted the amended Title I by Resolution 01-40 and Resolution 01-53; and

WHEREAS, the Tribal Council has revised Section 4.23 " Appeals to Gaming Review Board" as attached in Exhibit A; and

NOW THEREFORE, BE IT RESOLVED, that the Mechoopda Indian Tribe of Chico Rancheria Tribal Council hereby adopts the revisions of Tribal Ordinance Five, Section 4.23, as described in Exhibit A and that the Tribal Chairperson is authorized to execute all documents necessary to implement this Resolution; and

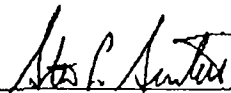
BE IT FURTHER RESOLVED, that the language in the Mechoopda Indian Tribal Gaming Ordinance Five, including all Titles, shall in no way be construed as a waiver of the Mechoopda Indian Tribe's sovereign immunity.

BE IT FURTHER RESOLVED, that the Tribe's attorneys, Monteau, Peebles & Crowell, LLP, are directed to submit the revised Tribal Gaming Ordinance to the National Indian Gaming Commission for approval.

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

This will certify that the foregoing resolution was considered at a meeting of the Tribal Council of the Mechoopda Indian Tribe of Chico Rancheria, duly called on the 30th day of October, 2001, and was adopted by a vote of 5 for, 0 against, and 0 abstentions. A quorum of 6 was present.

Dated this 30th day of October, 2001



Steve Santos, Chairman
Mechoopda Indian Tribe of Chico Rancheria

ATTEST:



Sandra M. Knight, Tribal Council Secretary
Mechoopda Indian Tribe of Chico Rancheria



“EXHIBIT A”

4.23 Appeals to Gaming Review Board

- 4.23.1 Creation of the Gaming Review Board The Tribal Council hereby establishes the Gaming Review Board, which shall be composed of a Trial Branch, which shall review cases de novo without any administrative deference of fact or law to prior findings, -and an Appellate Branch. The Gaming Review Board shall have jurisdiction, exclusive of any other tribal entity or tribal court, over all disputes arising out of or in connection with actions of the Tribal Gaming Commission, including without limitation, actions challenging any licensing, enforcement, or regulatory actions of the Tribal Gaming Commission, Tribal Council or Tribe in connection with the financing, development, construction, or operation of the Gaming Enterprise by the Management Contractor or any actions arising under the terms and conditions of the Management Contract, ~~or any actions that arise between Tribal Management and customers pursuant to Section 10.~~
- 4.23.2 Procedures Within Ninety (90) days of the appointment of Judges under Section 4.23.6 below, the Gaming Review Board shall enact reasonable rules of procedure, which such rules shall be enacted by the Tribal Council ("Rules of the Gaming Review Board"). At a minimum, these procedures must provide any claimant in the Gaming Review Board with a right to a hearing at both the trial and appellate levels, and the rules must provide each claimant with due process of law under the Tribe's Constitution. In addition, the rules must incorporate and make binding upon the Judges of the Gaming Review Board a Code of Judicial Ethics, as that document is from time to time amended.
- 4.23.3 Governing Law To the extent Tribal law does not otherwise govern a dispute the Gaming Review Board shall apply relevant provisions of California or Federal law.
- 4.23.4 Remedies The Gaming Review Board shall have full jurisdiction, exclusive of any other tribal entity or tribal court, over cases and controversies, -and authority to provide legal and equitable relief, and to mandate any remedy which the Gaming Review Board finds justice requires. Such authority shall include, but not be limited to, the power to issue temporary restraining orders, and to grant preliminary and permanent injunctive relief, in instances where the Tribe seeks to terminate any contracts entered into by the Tribe, the Tribal Council or the Gaming Commission relating to the grant, denial, revocation, or suspension of any gaming license compel arbitration to enforce any arbitration order or other dispute resolution mechanism provision.

4.23.5 Findings All findings and orders of the Gaming Review Board shall be in writing within Ninety (90) days after the dispute is submitted for the court's consideration.

4.23.6 Appointment of Judges The Tribal Council shall appoint the Judges for the Gaming Review Board. The Tribal Council shall, when necessity dictates, appoint four (4) Judges for the Gaming Review Board. Any time the number of judges falls below four, the Tribal Council shall, within thirty (30) days appoint such additional judges as necessary to restore the number of judges to four. If the Tribal Council fails to restore the number of judges to four within thirty (30) days of a vacancy, the remaining Judges may appoint the judges necessary to restore the number of Judges to four. All Judges shall be selected from a publicly available list of retired federal or state judges with the following qualifications:

- (1) has never been convicted of a felony or any gaming offense;
- (2) is not a member of the Tribal Council;
- (3) is of sound mind, trustworthy, and of good moral character;
- (4) is able to determine in what cases he or she will be disqualified and is willing to disqualify himself or herself;
- (5) is capable of carrying out the duties of the office, including staff administration and supervision;
- (6) is willing to commit, upon public oath or affirmation, to uphold this Code, the Tribal Constitution and to fairly and impartially adjudicate all matter before the Gaming Review Board;
- (7) shall be subject to the same background and Licensing standards as Commissioners pursuant to Title I, Section 4.10.5 herein;
- (8) shall not engage in any Gaming Activity with the Gaming Enterprise; and
- (9) is not employed by the Gaming Enterprise, nor have any immediate relatives who are employed by the Gaming Enterprise.

4.23.7 Appeals Trial Branch decisions shall only be appealed to the Appellate Branch. Appeals from any decision of the Trial Branch shall be heard by the three judges that did not hear the case in the Trial Branch. ~~Decisions of the Appellate Branch may be appealed to the Tribal Court.~~ There shall be no right to appeal Appellate Branch decisions to any State or Federal Court.

- 4.23.8 Compensation Judges of the Gaming Review Board shall be compensated by the Tribal Council in amounts appropriate to the duties and responsibilities of the office, which compensation shall not be diminished during a judge's continuation in office. The Gaming Review Board shall have the power to take appropriate action to enforce this subsection.
- 4.23.9 Recall and Discipline After appointment, Judges of the Gaming Review Board shall be subject to discipline and removal for cause pursuant to the Rules of the Gaming Review Board.