



NOV - 5 2010

Mr. Brian Cladoosby, Chairman
Swinomish Indian Senate
Swinomish Tribal Community
P.O. Box 817
LaConner, WA 98257

Dear Chairman Cladoosby:

On August 23, 2010, the Bureau of Indian Affairs Acting Northwest Region Director forwarded a copy of the Swinomish Indian Tribal Community's gaming ordinance amendment, Ordinance # 272, enacted by the Tribal Senate on May 11, 2010, for National Indian Gaming Commission review and approval.

The Amendment, which puts in place employee whistleblower protection, is consistent with the requirements of the Indian Gaming Regulatory Act (IGRA) and the NIGC's implementing regulations and is therefore approved.

Thank you for submitting the Amended Gaming Ordinance 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 cursive script, appearing to read "T Stevens".

Tracie L. Stevens
Chairwoman

cc: Scott Aikin, Acting Northwest Region Director, Bureau of Indian Affairs

**SWINOMISH INDIAN TRIBAL COMMUNITY
SWINOMISH INDIAN RESERVATION**

ORDINANCE NO. 272

**ORDINANCE AMENDING STC TITLE 16, CHAPTER 6 OF ORDINANCE NO. 171:
SWINOMISH GAMING ORDINANCE**

WHEREAS, the Swinomish Indian Tribal Community (the "Tribe") is a federally recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. § 476); and

WHEREAS, the Tribe is organized under a Constitution and By-Laws originally ratified by the Tribe on November 16, 1935, and approved by the Secretary of the Interior on January 27, 1936, and as most recently amended and ratified by the Tribe on September 7, 1985 and approved by the Secretary of the Interior on October 22, 1985; and

WHEREAS, the Swinomish Indian Senate (the "Senate") is the duly elected governing body of the Swinomish Indian Tribal Community and exercises governmental authority over all lands and waters within the Swinomish Indian Reservation; and

WHEREAS, this Ordinance is enacted pursuant to the authority found in Article VI, Sections 1 (k) and (l) of the Constitution; and

WHEREAS, the Swinomish Gaming Commission recommends that amendments be made to Title 16, Chapter 6, as described below, and that this Ordinance be enacted by the Senate;

WHEREAS, the Swinomish Gaming Commission finds that the amendments to this Ordinance will foster the protection of casino assets by enhancing its regulatory ability; and

WHEREAS, the Senate has reviewed the suggested changes to Title 16, Chapter 6, and desires to adopt this new Ordinance amending STC Title 16, Chapter 6 of Ordinance No. 171; **NOW THEREFORE**,

BE IT ENACTED BY THE SWINOMISH INDIAN SENATE that STC Title 16, Chapter 6 of Ordinance No. 171 is hereby amended pursuant to the authority of the Swinomish Constitution and By-Laws as follows:

Add a new Section 16-06.060, as follows:

16-06.060 Whistleblower Protection.

(A) A casino/bingo employee or official shall not directly or indirectly use or attempt to use the employee or official's official authority or influence to take, fail to take, or threaten to take or

fail to take, a personnel action with respect to any casino employee because that employee disclosed, or is believed to have disclosed, any information to the Swinomish Gaming Commission, its agents or employees, where:

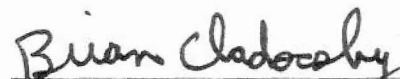
- (1) the information was requested by an agent or employee of the Commission in the course of performing Commission duties; or
- (2) the employee disclosing the information reasonably believes that the information relates to a violation of law, rule or regulation; gross mismanagement; gross waste of funds or assets; abuse of authority; or a threat to the integrity of casino operations.

(B) The Commission shall have jurisdiction to enforce the provisions of this section. The Commission may take or order the casino to take corrective action to prevent or redress a violation of this Section. Such redress may include reversing the action taken, taking an action the violating official failed to take, taking any action against the violating employee or official authorized under this Title, and awarding back pay or other compensation or benefit to which the aggrieved employee would have been entitled but for the violation.

(C) A violation of this Section may be established by circumstantial evidence. It is sufficient to show that the violation was a contributing factor to the action taken. A violation is established when there is evidence that:

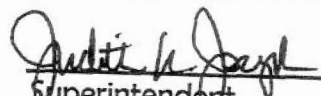
- (1) the casino employee or official knew or believed that a disclosure occurred; and
- (2) the personnel action in question occurred within a period of time such that a reasonable person could conclude that the disclosure was a contributing faction to the personnel action.

(D) An employee must make a reasonable attempt to ascertain the correctness of the information furnished to the Commission and may be subject to Commission action, including suspension or revocation of any license, for knowingly furnishing false information.



Brian Cladoosby, Chairman
Swinomish Indian Senate

Approved pursuant to 09 DM 8,
230 dm 1, 3 IAM 4, 4a



Superintendent 6/10/10
Date