

**NATIONAL
INDIAN
GAMING
COMMISSION**

DEC 22 1999

Mr. John B. Buckanaga, Chairman
White Earth Reservation, Tribal Council
P.O. Box 418
White Earth, Minnesota 56591

Dear Chairman Buckanaga:

This letter responds to your request to review and approve the amendment to the Ordinance establishing the White Earth Reservation Gaming Control Commission, which the National Indian Gaming Commission received on October 10, 1999. This letter constitutes such approval.

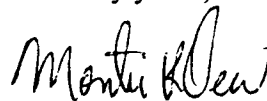
I, however, note some concern with Article IV, which addresses the composition of the White Earth Gaming Commission (WEGC), and permits Tribal Council members to serve on the WEGC. The National Indian Gaming Commission (NIGC) has recognized that:

[e]ffective regulatory oversight requires a functional separation between the operation of tribal gaming and the regulation of that tribal gaming. In the NIGC's experience, a well-run tribal gaming commission, free to regulate without undue interference from tribal leadership, is the best vehicle for achieving this functional separation. . . . Ideally, no members of a tribal council would serve on the tribal gaming commission. Tribal council members and tribal gaming commission members may not always agree on matters about which the tribal gaming commission has taken a regulatory position because they may approach these matters from different perspectives. Actual and perceived independence for a tribal gaming commission is fostered if the roles of council member and gaming commissioner are separate and distinct.

NIGC Bulletin No. 99-3, Independence of Tribal Gaming Commissions (Oct. 12, 1999).

Thank you for submitting the White Earth Tribe's amendment for review. If you have questions or require further assistance, please contact our office at (202) 632-7003.

Sincerely yours,



Montie R. Deer
Chairman

AMENDED

CC 25

WHITE EARTH RESERVATION GAMING COMMISSION

ORDINANCE CREATING SUCH COMMISSION AND DEFINING ITS PURPOSES

I. Rationale for the Need of the Establishment of a Gaming Commission.

A. The White Earth Band of Indians having made the decision to enter into the business of high stakes gambling which includes various card games, slot machines, pull-tabs and bingo in an effort to enhance the economic conditions of the White Earth Indian Reservation and its Tribal Members, the Tribal Council sees a need for the establishment of a Gaming Commission.

B. This Gaming Commission will be a board which is designed to control and foster the growth of the White Earth Reservation's gaming activities. The Gaming Commission shall be responsible for monitoring all associated entities of the Shooting Star Casino which include the bar, restaurant and lodging facilities connected thereto, The Shooting Star's Great Northern Restaurant and Brewery and offsite Bingo and Pull-tab sites.

C. It is the intent of the White Earth Tribal Council to keep the "Shooting Star Casino", hereinafter referred to as Casino, and The Shooting Star's Great Northern Restaurant and Brewery, free from all political activity in its operations and to charge the Gaming Commission with the duty of implementing the Gaming Control Code.

D. The Gaming Commission's duties will be set forth more specifically in the following section.

II. Statement of Purpose.

This statement of purpose will delineate the White Earth Gaming Commission's, hereinafter WEGC, duties, responsibilities and set forth authority in relation to overseeing all gaming activity on the White Earth Indian Reservation.

A. The Gaming Commission is vested with the following authority and is charged with the following duties and responsibilities:

1. Control of the gaming enterprise. The WEGC will monitor all games of chance allowed by the Tribal-State Compact, including card games as to receipts, accounting and the card games themselves.

2. WEGC shall ensure compliance with the Compact entered into between the State of Minnesota and the White Earth Band of Indians.

3. WEGC shall have the authority to license dealers relative to any card games that are conducted by the gaming enterprise, and license vendors seeking to supply the Shooting Star Casino with gaming opportunities.

4. WEGC is responsible for the control of receipts of all games of chance and will periodically review the receipts/pay outs relative to the card games portion of the gaming entity.

5. WEGC shall monitor all fill/credit slips to ensure compliance with the Gaming Control Code.

6. The WEGC shall be responsible for issuing all licenses to conduct charitable gaming/bingo on the reservation.

B. WEGC will be responsible for monitoring of all slot machines.

1. The licensing of all technicians relative to the slot machines that will be placed on the White Earth Indian Reservation.

2. The hiring of any and all testing companies and related personnel in regard to all slot machines placed by the White Earth Band of Indians on the Reservation.

3. Monitor and periodically review all slot machine play to ensure compliance with the Tribal-State Compact.

4. Shall have the duty to monitor and account for the receipts of slot machine play.

5. All other monitoring and compliance issues that may from time to time arise in the management of gaming on the Reservation.

6. The WEGC shall be responsible for monitoring all associated entities of the Casino, which include but is not limited to the bar, restaurant and attendant lodging facilities connected therewith.

7. The WEGC has the duty to recommend both to the Tribal Council and the Casino management ways to improve the gaming facility/gaming entity to the White Earth Indian Reservation. The WEGC shall also employ such individuals necessary to ensure the financial viability of the gaming activities.

C. The WEGC shall be responsible for the licensing and control of all bingo games and pull-tabs on the reservation.

III. Accountability of Revenues/Expenditures.

The WEGC shall ensure accountability for gross revenues, expenditures and all net profits derived as a result of any gaming enterprise in relation to the White Earth Indian Reservation.

A. The WEGC is responsible to hire a full-time Gaming Control Officer who will act as liaison between the Shooting Star Casino and the WEGC. The liaison will monitor all casino activity and will make reports to the WEGC as may be from time to time directed by the WEGC.

B. The WEGC is responsible for hiring an independent accounting firm in relation to all gaming entities of the White Earth Indian Reservation. It shall be responsible for the accounting of net profits to the Band. The distribution of profits to the Band government with specific recommendations for the use of said funds in relation to proper governmental purposes. There shall be emphasis in regard to the aforementioned recommendations which will specifically keep economic development of the White Earth Indian Reservation and its Tribal members as a prime consideration in relation to all recommendations made by the WEGC.

C. The WEGC shall direct, from time to time, the independent accounting firm to monitor specific areas of concern, and make specific reports back to the Gaming Control Commission as to its findings. The findings will be specific and will delineate all gross revenues, expenditures and the specific formula used to arrive at net profits.

D. The WEGC is vested with the authority to enter into any agreement or contract which is necessary to implement the Gaming Control Code, and carry out the terms of this ordinance.

IV. Composition/Compensation of the White Earth Reservation Gaming Commission.

A. The WEGC shall consist of five members appointed by the Tribal Council.

B. The WEGC will be paid per diem for time and travel at a rate to be set by the Tribal Council.

C. The WEGC shall serve for a period of time as identified by the White Earth Reservation Tribal Council. If the White Earth Reservation Tribal Council also serves as the White Earth Reservation Gaming Commission, the terms of office shall be identical to the terms of office in the White Earth Reservation Tribal Council.

If the White Earth Reservation Tribal Council has appointed commissioners who are not Tribal Council members, such members shall serve for a period of four (4) years, with the initial Gaming Commission members serving staggered terms; one member appointed for a one (1) a year term; one member for a two (2) year term; one member for a three (3) year term; and two members for a four (4) year term. Thereafter, each member shall be appointed to serve a four (4) year term. Members may be reappointed to serve successive terms to a maximum of four (4) terms.

Non-Tribal Council Gaming Commission members shall only be subject to removal for cause and require a vote of 4/5 of the White Earth Reservation Tribal Council.

D. Officers of the Commission. There shall be one person designated as the Senior Director; one person designated as the Financial Director; and three Assistant Directors who shall carry out the instructions and directives of the Commission. The Senior Director shall preside at all meetings of the Commission. The Financial Director shall be responsible for monitoring and reporting on all financial matters with regard to gaming.

V. Definitional Section.

The following definitions shall incorporate by reference herein all definitions that are contained in the "Gaming Control Code" and shall be construed as being supplemental thereto, but only in respect and application to the Gaming Commission. The supplemental terms and definitions that are listed hereafter shall have no effect on the definitions contained in the Gaming Control Code or any other relevant document that has been before entered into by the White Earth Tribal Council. The supplemental definitions will apply only to the formation and operations of the White Earth Reservation Gaming Commission.

A. Definitions. As used in this ordinance of the White Earth Reservation Gaming Commission, the following terms shall have their meaning assigned to them in this section:

1. Compensation. Compensation of the White Earth Reservation Gaming Commission shall include but not limited to that amount the board members shall be paid per diem for time and travel, at a rate that is to be set by the Tribal Council. This may include reimbursement and/or compensation to any Director or designee in relation to any educational cost that they may incur.

2. Educational Costs. Educational costs shall include but not be limited to any seminar, meeting or related activity in which any Director or designee can be expected to enhance the understanding of any Director or designee in relation to the gaming entity/activities.

Adopted by Resolution this ___ day of _____, 1999, at _____, Minnesota.

John B. Buckanaga, Senior Director

Erma J. Vizenor, Financial Director