

**NATIONAL
INDIAN
GAMING
COMMISSION**

NOV 23 1999

FILE COPY

Robert Price, Executive Director
Yavapai Prescott Indian Tribe
530 E. Merritt
Prescott, Arizona 86301-2038

Dear Director Price:

This letter responds to your request to review and approve the amendment to the Yavapai Prescott Tribe's (Tribe) gaming ordinance, adopted by Resolution No. 99-45 submitted on September 13, 1999. The amendment removes from the gaming ordinance a provision that prohibits gaming employees from gambling at the Tribe's gambling operation. The resolution states specifically that the Yavapai-Prescott Indian Tribal Board of Directors "desires to amend [the gaming ordinance] to permit their Class II and Class III employees to participate in Class II and Class III gaming." Because this amendment does not violate the ordinance provisions of the Indian Gaming Regulatory Act (IGRA), it is hereby approved.

While the National Indian Gaming Commission respects the sovereignty of the Tribe and its right to enact and amend gaming ordinances consistent with IGRA, it is incumbent on us to advise the Tribe that, as a policy matter we do not believe it prudent to allow gaming employees to gamble at tribal operations for which they work. To do so creates both the appearance of impropriety as well as providing the opportunity for actual improprieties.

Thank you for submitting the Yavapai Prescott 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 by DuB

Montie R. Deer
Chairman

cc: Stan Rice, Jr., Tribal Chairman
Ken Billingsley, NIGC Field Investigator

RESOLUTION NO. 99-45
OF THE GOVERNING BODY OF THE
YAVAPAI-PRESCOTT INDIAN TRIBE

SEP 20 1999

- WHEREAS, the Yavapai-Prescott Indian Tribe is a Federally recognized Indian Tribe within the State of Arizona; and,
- WHEREAS, the Yavapai-Prescott Indian Tribe Board of Directors is the governing body of the Yavapai-Prescott Tribe in accordance with the Tribal Articles of Association; and,
- WHEREAS, the Yavapai-Prescott Indian Tribe ("the Tribe") of the Yavapai County, Arizona (1) enacted a Gaming Ordinance No. 13 dated June 18, 1992, as set forth in Tribal Resolution 92-24, which was approved by the United States Department of the Interior, Bureau of Indian Affairs, to conduct lawful gaming pursuant to Public Law 100-497, known as the Indian Gaming Regulatory Act of 1988, 25 U.S.C. §2701, et seq. (the "Act"), and the regulations promulgated thereunder; and (2) executed the Tribal State Gaming compact of 1992 with the State of Arizona, to conduct "Class III Gaming" activities, as defined in the Act and resolutions promulgated thereunder; and,
- WHEREAS, the Yavapai-Prescott Indian Tribal Board of Directors desires to amend Section 10, Operations, of "Ordinance No. 13" to permit their Class II and Class III employees to participate in Class II and Class III gaming; and,
- WHEREAS, by eliminating subsection D of Section 10. Operations, Class II and Class III Employees will be able to participate in Class II and Class III gaming, when authorized by the Yavapai-Prescott Indian Tribe Board of Directors.
- NOW, THEREFORE BE IT RESOLVED THAT the Yavapai-Prescott Indian Tribe Board of Directors hereby amends the Tribal Gaming Ordinance No. 13, Section 10 to read as follows:

Section 10. Operations.

A. The Tribe's Class II Gaming and Class III Gaming may be conducted each and every day of the week between the hours authorized by and consistent with the provisions of the Tribal-State Compact or, in the absence of a Tribal-State Compact, at such hours of the day or night as determined in the exercise of the Tribe's sole discretion, provided that such gaming activities shall be operated not less than three days (Friday, Saturday and Sunday) per week and there shall be no limit as to prize money for any single gaming activity, bingo game or session.

B. All persons involved in the conduct of Class II and Class III Gaming must be a bona fide employee of the Tribe or a Contractor.

C. No person under the age of eighteen (18) shall participate in any Class II Gaming or Class III Gaming. If liquor is served at any gaming facility, no person under the age of twenty-one (21) shall participate in any such Class II or Class III Gaming.

BE IT FURTHER RESOLVED THAT:

1. The Yavapai Gaming Commission reserves the right to revoke the privilege of any/or all gaming activities conducted by employees of Class II and/or Class III Gaming at anytime.

2. The Yavapai-Prescott Indian Tribe Board of Directors requests approval of the amended Ordinance No. 13 from the National Indian Gaming Commission (NIGC).

3. These changes will become effective upon the approval of and notification by the National Indian Gaming Commission (NIGC).

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

I, the undersigned, as President of the Board of Directors of the Yavapai-Prescott Indian Tribe, hereby certify that the Board is composed of five (5) members of whom five (5) members, constituting a quorum, were present at a Special Board Meeting on this 3rd day of September, 1999, and that the foregoing Resolution was adopted by a vote of 4 for, 0 against, under the authority of the Articles of Association, Article VI, Section 1, paragraphs (a), (i) and (j).



PRESIDENT, BOARD OF DIRECTORS
YAVAPAI-PRESCOTT INDIAN TRIBE

ATTEST:



SECRETARY/TREASURER, BOARD OF DIRECTORS
YAVAPAI-PRESCOTT INDIAN TRIBE