NATIONAL
INDIAN
GAMING
COMMISSION

FEB - 5 1996

Jeffrey D. Parker
Chairman
Bay Mills Indian Community
Route 1, Box 313
Brimley, MI 49715

Dear Chairman Parker:

This letter responds to your request to review and approve the amendment to the tribal gaming ordinance of the Bay Mills Indian Community (Tribe). The amendment to the ordinance was adopted by the Tribe by Resolution No. 95-10-3, on October 3, 1995. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review amendments to ordinances with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations.

Thank you for submitting the amendment to the tribal gaming ordinance of the Bay Mills Indian Community. The NIGC staff and I continue to look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,

Harold A. Monteau
Chairman

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BAY MILLS INDIAN COMMUNITY

RURAL ROUTE NO. 1

BRIMLEY, MICHIGAN 49715

RESOLUTION

Resolution No. 95-10-3

WHEREAS: The Bay Mills Indian Community is a federally recognized Indian tribe, with a constitutional form of government adopted pursuant to the provisions of the Indian Reorganization Act of 1934, 25 U.S.C. sec. 461, *et seq.*, and

WHEREAS: The Tribe regulates gaming on its Reservation under a compact with the State of Michigan and under its Gaming Ordinance, and

WHEREAS: Enforcement of the requirements of federal, state and tribal law is the responsibility of the Tribe's Gaming Commission, and

WHEREAS: Under the Tribe's Gaming Ordinance, the Gaming Commission is comprised of the elected officers of the Bay Mills Indian Community, being the Executive Council, and

WHEREAS: The responsibilities of the Gaming Commission now require more time than the Executive Council can reasonably provide, and

WHEREAS: It is determined to be in the best interests of the Bay Mills Indian Community and the long term economic stability of its gaming enterprise that the Gaming Commission be an appointed body comprised of members with the highest integrity and dedication, and

WHEREAS: The small size of the Bay Mills Indian Community causes most members to be related by both blood and marriage, and therefore causes the anti-nepotism barrier in the Gaming Ordinance to prevent consideration for most members for appointment to the Gaming Commission.

NOW, THEREFORE, BE IT RESOLVED, that the following amendments to the Tribe's Gaming Ordinance, with deletions struck out and additions underlined, are hereby adopted:

951010.04001

2.27 "**Immediate family**" means, with respect to the person under consideration, a husband, wife, father, mother, son, daughter, brother, or sister. ~~, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.~~

4.11 **Membership.**

(A) Number of Commissioners. The Tribal Commission shall be comprised of five (5) Tribal Commissioners consisting of ~~the five elected members of the Executive Council or their designees appointed by the Tribal Council~~ persons appointed by the Executive Council.

APPROVED:

Jeffrey D. Parker, President
Bay Mills Indian Community
Executive Council

ATTEST:

Corrine A. Cameron, Secretary
Bay Mills Indian Community
Executive Council

CERTIFICATION

I, the undersigned, as Secretary of the Bay Mills Indian Community Executive Council, do hereby certify that the above Resolution was adopted and approved at a meeting of the Bay Mills Executive Council held at Bay Mills, Michigan, on the 3rd day of October, 1995, with a vote of 4 for, 0 opposed, 0 absent, and 1 abstaining. As per provisions of the Bay Mills Tribal Constitution, the President must abstain except in the event of a tie.

Corrine A. Cameron, Secretary
Bay Mills Indian Community
Executive Council

2.19 "**Games of chance**" mean any game or activity which falls within the broad definition of gaming or gaming activity.

2.20 "**Gaming**" or "**gaming activity**" means any activity, operation or game of chance in which any valuable consideration may be wagered upon the outcome determined by chance, skill, speed, strength or endurance, and in which any valuable prize is awarded to the player so wagering.

2.21 "**Gaming apparatus**" or "**gaming equipment**" means any device, machine, paraphernalia, or equipment that is used or usable in the playing phases of any gaming activity, whether or not specifically designed for the purpose, but excluding tables and chairs normally used in the occupancy of any gaming establishment.

2.22 "**Gaming establishment**" means any location or structure, stationary or movable, wherein gaming is permitted, promoted, performed, conducted, or operated and the operator of which establishment contributes the net proceeds derived from the gaming activity toward eligible organizational uses as defined. Gaming establishment does not include the site of a fair, carnival, exposition, or similar occasion.

2.23 "**Gaming Program**" means any Tribal Program which oversees one or more parts of the operation of all tribal gaming activity. The Gaming Program must work closely with the Tribal Commission or be licensed by it.

2.24 "**Gross proceeds**" means all money collected or received from lawful gaming activity.

2.25 "**Gross proceeds tax**" means a tax imposed and collected by the Tribe on all monies received by any gaming establishment in return for the opportunity to play a game of chance.

2.26 "**Indian Gaming Regulatory Act**" or "**IGRA**" means Public Law 100-497,102 Stat. 2426, 25 U.S.C. sec. 2701, *et seq.*, as amended.

2.27 "**Immediate family**" means, with respect to the person under consideration, a husband, wife, father, mother, son, daughter, brother, or sister.

2.28 "**In privity with**" means a relationship involving one who acts jointly with another or as an accessory before

any action of the Tribal Commission, shall be deemed or construed to be a waiver of sovereign immunity from suit of the Tribe; or to be a consent of the Tribe to the jurisdiction of the United States or of any state or any other tribe with regard to the business or affairs of the Tribal Commission or the Tribe; or to be a consent of the Tribe to any cause of action, case or controversy, or to the levy of any judgment, lien or attachment upon any property of the Tribe; or to be a consent to suit with respect to any land within the exterior boundaries of the Reservation, or to be a consent to the alienation, attachment or encumbrance of any such land.

4.9 **Credit of the Tribe.** Nothing in this Ordinance nor any activity of the Tribal Commission shall implicate or any way involve the credit of the Tribe.

4.10 **Assets of the Tribal Commission.** The Tribal Commission shall have only those assets specifically assigned to it by the Council or acquired in its name by the Tribe or by it on its own behalf. No activity of the Tribal Commission nor any indebtedness incurred by it shall implicate or in any way involve any assets of tribal members or the Tribe not assigned in writing to the Tribal Commission.

4.11 **Membership.**

(A) Number of Commissioners. The Tribal Commission shall be comprised of five (5) Tribal Gaming Commissioners consisting of persons appointed by the Executive Council.

(B) Qualification of Commissioners. Each Commissioner must be a member of the Tribe.

(C) Background Check. Prior to the time that any Tribal Commission member takes office on the Tribal Commission, the Tribe shall perform or arrange to have performed a comprehensive background check on each prospective member. No person shall serve as a Commissioner if:

(1) His prior activities, criminal record, if any, or reputation, habits or associations:

(a) Pose a threat to the public interest; or

(b) Threaten the effective regulation and control of gaming; or

(c) Enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in