February, 28, 2008

Via U.S. Mail and Facsimile

John A. James
Chairman
Cabazon Band of Mission Indians
84-245 Indio Springs Drive
Indio, CA 92203
Fax: 760-347-7880

RE: Amendment to Cabazon Band of Mission Indians Gaming Ordinance

Dear Chairman James:

On February 13, 2008, you requested that the Office of General Counsel for the National Indian Gaming Commission (NIGC) review and approve the Tribe's amendment to the Cabazon Band of Mission Indians' Gaming Ordinance (gaming ordinance). The Tribe amended the gaming ordinance on February 7, 2008, via Resolution No. 02-07-08-1. In this amendment, the Tribe clarified its compliance with NIGC Minimum Internal Control Standards (MICS) for Class II and III gaming.

This letter constitutes approval of the amendment because nothing therein conflicts with the requirements of the Indian Gaming Regulatory Act (IGRA) and the Commission's regulations.

Thank you for submitting the amendment for review and approval. If you have any questions, please contact Staff Attorney Rebecca Chapman at (202) 632-7003.

Sincerely,

Philip N. Hogen
Chairman

H and delivered
Feb. 13, 2008
PJC

CABAZON BAND OF MISSION INDIANS
84-245 Indio Springs Parkway
Indio, CA 92203

RESOLUTION NO. 02-07-08-1

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Re: Amendment of Tribal Gaming Ordinance

WHEREAS, the Cabazon Band of Mission Indians (the "Tribe") is a federally recognized Indian Tribe; and

WHEREAS, the Cabazon General Council, by resolution dated June 5, 1985, has delegated to the Cabazon Business Committee (the "Business Committee") the authority to approve contracts and other forms of agreement on behalf of the Tribe; and

WHEREAS, the Cabazon General Council, by resolution dated July 20, 1988, has delegated to the Cabazon Business Committee the authority to enact codes, ordinances, and resolutions on behalf of the Tribe; and

WHEREAS, the Business Committee is fully aware of its options relative to role, functions, authorities and responsibilities; and

WHEREAS, on January 27, 1994, the Business Committee adopted its "Indian Gaming Regulatory Compliance Ordinance" (the "Gaming Ordinance"), which was approved by the Chairman of the National Indian Gaming Commission on March 14, 1994; and

WHEREAS, the Gaming Ordinance has been incorporated into the Code of the Cabazon Band of Mission Indians (1996 ed.) (the "Tribal Code") as Title 5, Chapter 4, Sections 5-401 through 5-409; and

WHEREAS, the Business Committee, in consultation with the Cabazon Tribal Gaming Commission, has now determined that it is in the best interest of the Tribe to amend the Gaming Ordinance.

NOW THEREFORE BE IT RESOLVED by the Cabazon Business Committee that the attached amendment to the Gaming Ordinance is hereby approved and codified as a new Section 5-409 to the Tribal Code; and

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BE IT FURTHER RESOLVED that the existing Section 5-409 of the Tribal Code, entitled "Repeal," shall be renumbered as Section 5-410 of the Tribal Code; and

BE IT FINALLY RESOLVED that the Business Committee shall take appropriate action with the Tribe's legal counsel to have the amendment to the Gaming Ordinance approved by the Chairman of the National Indian Gaming Commission.

CERTIFICATION

This is to certify that the above resolution was adopted by the Cabazon Business Committee by a vote of 6 for, 0 against and 0 abstaining at a duly called meeting on February 7, 2008, a quorum being present.

John James, Tribal Chairman

Douglas Welmas, 1st Vice Chairperson

David Roosevelt, 2nd Vice Chairperson

Angela Roosevelt, Secretary/Treasurer

April Rosales Palmer, Liaison to the General Council.

Sheena Trujillo, Member at Large

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The Indian Gaming Regulatory Act Compliance Ordinance is amended by adding the following new Section and by renumbering existing Section 5-409 as 5-410:

Section 5-409. Minimum Internal Control Standards

A. Applicable Standards. The Cabazon Tribal Gaming Commission shall comply with 25 CFR Part 542 by formally adopting and making applicable to the tribe's gaming operation(s) internal control standards that:

1. Provide a level of control that equals or exceeds those set forth in 25 CFR part 542, as published or as revised by mutual agreement between the National Indian Gaming Commission and the Cabazon Band of Mission Indians;

2. Contain standards for currency transaction reporting that comply with 31 CFR Part 103; and

3. Establish internal control standards for Class II and Class III games that are not addressed in the MICS, if any.

B. Annual CPA Testing of Compliance. In order to verify that the gaming operation is in compliance with the internal control standards adopted pursuant to paragraph A, an independent certified public accountant (CPA) shall be engaged annually to perform "Agreed-Upon Procedures" in the manner provided for in 25 CFR 542.3(f).

C. Compliance. The Cabazon Tribal Gaming Commission and the NIGC shall monitor and enforce compliance with the internal control standards adopted pursuant to paragraph A in the manner provided for in 25 CFR 542.3(g). In addition, the National Indian Gaming Commission shall, for the purpose of enforcing compliance with the internal control standards, have the power to:

1. monitor all Class II and Class III gaming on a continuing basis;

2. inspect and examine all premises on which Class II or Class III gaming is conducted; and

3. demand access to and inspect, examine, photocopy, and audit all papers, books, and records respecting gross revenues of all Class II and Class III gaming or any other matters necessary to ensure and enforce compliance with the MICS.

D. Enforcement. Any failure to adopt internal control standards pursuant to paragraph A, to perform Agreed-Upon Procedures pursuant to paragraph B, to prevent or obstruct the exercise of any of the Commission's powers under paragraph C, or to comply with the internal control standards once adopted is a violation of this ordinance. The Chairman of the National Indian Gaming Commission shall have the authority to remedy violations of this ordinance under 25 U.S.C. 2713 and its implementing regulations, and the Tribe shall have all rights and remedies available thereunder.