

**NATIONAL  
INDIAN  
GAMING  
COMMISSION**

AUG 20 1997

Stephen D. McGiffert  
Payne & Jones  
PO Box 25625  
Overland Park, KS 66225-5625

Re: Iowa Tribe of Kansas and Nebraska Ordinance Amendment

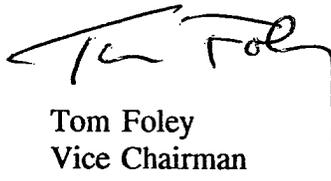
Dear Mr. McGiffert:

This letter is in response to your request to review and approve the amendment to the tribal gaming ordinance of the Iowa Tribe of Kansas and Nebraska (Tribe). The amendment to the ordinance was adopted by the Tribe by Resolution No. 97-R-06 on May 28, 1997.

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the NIGC Chairman is directed to review amendments to ordinances with respect to the requirements of the IGRA and the implementing regulations. Pursuant to the authority delegated to me in Part II, Chapter 1, Section 2 of the NIGC Policies and Procedures Manual (1997), this letter constitutes such approval.

Thank you for submitting the amendment to the tribal gaming ordinance of the Iowa Tribe of Kansas and Nebraska. The NIGC staff and I look forward to working with you and the Tribe in the implementation of the IGRA.

Sincerely yours,



Tom Foley  
Vice Chairman

cc: Leon Campbell, Chairman  
Iowa Tribe of Kansas and Nebraska  
Route 1, Box 58A  
White Cloud, KS 66094-9624

IOWA TRIBE OF KANSAS AND NEBRASKA  
EXECUTIVE COMMITTEE  
MAY 28, 1997

- WHEREAS, The Iowa Executive Committee being duly organized, met in Regular Session this 28th day of May, 1997; and,
- WHEREAS, The Iowa Executive Committee has authority to act for the Iowa Tribe under the present Constitutional authority as provided in Sec. 2, Article IV - Governing Bodies; and,
- WHEREAS, The Iowa Tribe of Kansas and Nebraska being organized and empowered by their Constitution and Bylaws (approved November 6, 1978); and,
- WHEREAS, The Executive Committee has, by Resolution 95-R-29, promulgated and enacted a Class II and Class III Gaming Ordinance, and further within said Ordinance did establish the guidelines, procedures and eligibility requirements for Class II and Class III gaming personnel; and,
- WHEREAS, The Iowa Executive Committee desires to amend and modify Resolution 95-R-29 as hereinafter set forth; and,
- NOW THEREFORE BE IT RESOLVED, that Section VII of the Iowa Tribe of Kansas and Nebraska Class II and Class III Gaming Ordinance be deleted in its entirety and be replaced by the following:

VII. Establishment of Tribal Gaming Commission

A. Establishment. There is hereby established an Iowa Tribe of Kansas and Nebraska Tribal Gaming Commission (hereafter "Tribal Gaming Commission").

B. Powers and Duties. Subject to the terms, conditions and provisions of (1) the Class III Gaming Compact made and entered into by and between the Tribe and the State of Kansas and (2) the Management, Construction and Finance Agreement made and entered into by and between the Tribe and Indian Gaming Company of Kansas, L.L.C., the Tribal Gaming Commission shall have the following powers and duties:

1. To grant, suspend or revoke licenses in accordance with this Gaming Ordinance and the Tribal/State Compact;
2. To monitor and oversee the operation and conduct of all Gaming Activity within the

- exterior boundaries of the Tribe's Reservation on a continuing basis, including but not limited to ongoing monitoring and oversight of licensees engaged in the operation and conduct of such games;
3. To inspect and examine all premises within the Tribe's Reservation at which a gaming activity is conducted;
  4. To conduct or cause to be conducted background investigations of persons involved, directly or indirectly, in the operation or conduct of gaming activities within the Tribe's Reservation;
  5. To inspect, examine, photocopy and audit all papers, books and records respecting gross receipts of gaming activities operated or conducted within the Tribe's Reservation and any other matters necessary to carry out the duties of the Tribal Gaming Commission under the Gaming Ordinance and the Tribal/State Compact;
  6. To bring suits in the Tribal Court seeking temporary and permanent orders closing a gaming activity in accordance with this Gaming Ordinance and the Tribal/State Compact;
  7. To enter into contracts with tribal, federal, state and private entities for activities necessary to the discharge of the duties of the Tribal Gaming Commission under this Gaming Ordinance and the Tribal/State Compact and to cooperate with the National Indian Gaming Commission for the enforcement of federal regulations governing gaming on Indian reservations;
  8. Subject to the approval of the Tribe's Executive Committee, to adopt the budget of the Tribal Gaming Commission annually;
  9. Subject to the approval of the Tribe's Executive Committee, to establish fees for applications for licenses and renewals thereof and fees for licensees of gaming activities operated or conducted by such licensees;

10. To require by subpoena the attendance and testimony of witnesses and the production of all books, papers and documents relating to any matter under consideration or investigation by the Tribal Gaming Commission and to bring actions in the Tribal Court for the enforcement of such subpoenas;
11. To administer oaths and affirmations to witnesses appearing before the Tribal Gaming Commission;
12. To hear appeals in accordance with this Gaming Ordinance and/or any management contract for the Gaming Facility entered into by the Tribe;
13. To keep minutes, records and books in which shall be kept a true, faithful and correct record of all proceedings of the Tribal Gaming Commission;
14. Subject to the approval of the budget by the Tribe's Executive Committee, to hire and/or designate an Executive Director and such other employees as may be necessary to discharge the Tribal Gaming Commission's duties under this Gaming Ordinance and the Tribal/State Compact;
15. To promulgate rules and regulations as it deems appropriate to implement the provisions of the Gaming Ordinance and the Tribal/State Compact;
16. To recommend amendments to this Gaming Ordinance to the Tribe's Executive Committee;
17. To submit quarterly and annual reports to the Tribe's Executive Committee on the activities of the Tribal Gaming Commission, such report to include information on the funding, income and expenses of the Tribal Gaming Commission; and
18. To authorize the Tribal Police Force or Security to detain persons who may be involved in illegal acts for the purpose of notifying appropriate law enforcement authorities.

C. Composition: Staggered Terms. The Tribal Gaming Commission shall consist of three (3) Tribal Gaming Commissioners appointed by the Tribe's Executive Committee. Each Tribal Gaming Commissioner shall serve for a term of three (3) years; provided that, in order to stagger the

expiration of terms of office, the first Tribal Gaming Commissioner appointed shall serve a three (3) year term, the second Tribal Gaming Commissioner appointed shall serve a two (2) year term, and the third Tribal Gaming Commissioner appointed shall serve a one (1) year term. A Tribal Gaming Commissioner may serve after the expiration of his or her term of office until a successor has been appointed, unless such Tribal Gaming Commissioner has been removed for cause under Subsection E of this Section.

D. Qualification of Tribal Gaming Commissioners. All Gaming Commissioners must be an enrolled member of the Tribe. No person shall be eligible or qualified to serve or continue to serve as a Tribal Gaming Commissioner or as an appointee or employee of the Tribal Gaming Commission, who:

1. Has been convicted of a felony or gaming offense;
2. Has any financial interest in, or management responsibility for, any gaming activity;
3. Has any financial interest in, or management responsibility for, any gaming management contract submitted to the Tribal Gaming Commission for review or approval; and/or
4. Is a Gaming Employee or other employee of a Gaming Facility Operator.

E. Removal of Tribal Gaming Commissioners. A Tribal Gaming Commissioner may be involuntarily removed from office before the expiration of his or her term in accordance with the following procedures:

1. Removal of a Tribal Gaming Commissioner may be initiated by a member or members of the Tribe's Executive Committee providing the Secretary of the Tribe's Executive Committee with a written request specifying the cause for removal, signed by not less than two (2) of the members of the Tribe's Executive Committee;
2. The cause for removal shall be limited to: (1) conviction in any court of a felony or crime involving moral turpitude; (2) failure to meet or maintain the qualifications for Tribal Gaming Commissioners set forth in Subsection D of this Section; (3) gross neglect of duty; (4) malfeasance in office; (5) conduct which amounts to gross and intentional disregard of the laws and procedures applicable to the affairs of the Tribal Gaming Commission;

(6) violation of the confidentiality provisions set forth in Subsection F of this section; or  
(7) violation of the conflicts of interest provisions set forth in Subsection G of this section.

3. Not less than five (5) nor more than thirty (30) days following receipt of the written request for removal, the Tribe's Executive Committee shall convene a special meeting for the sole purpose of voting on the removal of the Tribal Gaming Commissioner. Before any vote is taken, the Tribal Gaming Commissioner shall be given a full opportunity, either in person or through a representative of his or her choice, to answer or otherwise respond to any and all charges against him or her; and
4. To remove a Tribal Gaming Commissioner from office, the affirmative vote of no less than three (3) of the members of the Tribe's Executive Committee is required.

F. Confidentiality. Except as required by the Tribal State Compact among the Iowa Tribe of Kansas and Nebraska and the State of Kansas or as authorized by the Executive Committee of the Iowa Tribe of Kansas and Nebraska or as may be required by this Class III Gaming Ordinance, each Tribal Gaming Commissioner shall hold all matters and information related or disclosed to him or her in his or her capacity as a Tribal Gaming Commissioner in STRICT CONFIDENCE. Except as authorized above, no Tribal Gaming Commissioner shall divulge any information to third parties which comes before the Tribal Gaming Commission or is made available to a Tribal Gaming Commissioner by reason of his or her position on the Tribal Gaming Commission.

G. Conflicts of Interest. Any Tribal Gaming Commissioner who may be personally interested in any matter before the Tribal Gaming Commission shall not vote on such matter without the consent of the remaining Commissioners. Failure to reveal to the Tribal Gaming Commission a personal interest in a matter before that body, not similarly shared by all members of the commission, shall constitute dereliction of official duty, and may be cause for removal from office.

H. Resignations and Vacancies. Any Tribal Gaming Commissioner may resign at any time by giving written notice of such to the Secretary of the Tribe's Executive Committee. The resignation shall become effective at the time specified in such notice, and the acceptance of such resignation shall not be necessary to make it effective.

Any vacancy on the Tribal Gaming Commission, howsoever caused, all be filled for the unexpired portion of the vacated Tribal Gaming Commissioner's term by a qualified person appointed by the Tribe's Executive Committee.

I. Selection of Officers. The Tribal Gaming Commission shall annually by majority vote one (1) of its members to serve as Chairman, one (1) of its members to serve as Vice Chairman, and one (1) of its members to serve as Secretary. The Vice Chairman shall serve as Chairman during meetings of the Tribal Gaming Commission at which the Chairman is absent.

J. Executive Director. Subject to the approval of the budget by the Tribe's Executive Committee, the Tribal Gaming Commission may hire and/or designate an Executive Director of the Tribal Gaming Commission who shall serve as the formal liaison to the person holding the similarly titled position with the State Gaming Agency and have overall responsibility for the administrative functions of the Tribal Gaming Commission.

K. Motions and Resolutions: Meeting; Quorum. The powers of the Tribal Gaming Commission are vested in the Tribal Gaming Commissioners. All official actions of the Tribal Gaming Commission shall be taken by motion or resolution approved by the affirmative vote of a majority of the Tribal Gaming Commission. The Tribal Commission shall meet at the call of the Chairman or a majority of the Tribal Gaming Commissioners. Two (2) members of the Tribal Gaming Commission shall comprise a quorum.

L. Cooperation With Law Enforcement Agencies. The Tribal Gaming Commission shall cooperate with law enforcement officials of the State of Kansas, The National Indian Gaming Commission, the Bureau of Indian Affairs, the Federal Bureau of Investigation, and other law enforcement agencies, when such cooperation is in the best interests of the Tribe and will help to insure that fair, honest and efficient gaming activities are conducted within the Tribe's Reservation. The Tribal Gaming Commission shall notify the State Gaming Agency within seventy-two (72) hours of the time a violation or suspected violation of the Gaming Ordinance or Tribal/State Compact is reported to the Tribal Gaming Commission.

M. Compensation. Tribal Gaming Commissioners shall be reasonably compensated as determined by the Tribe's Executive Committee and in accordance within the annual budget of the Tribal Gaming Commission.

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

The foregoing Resolution was adopted this date, May 28, 1997, in a Regular Session of the Executive Committee, at which 5 members of the Committee were present, constituting a quorum, by a vote of 4 for, 0 against. Chairman abstained.

  
Leon Campbell, Chairman  
Iowa Executive Committee

ATTEST:

  
Louis DeRoin, Secretary  
Iowa Executive Committee