



March 5, 2009

*Via Facsimile and U.S. Mail*

R. Rolando Flores, Deputy Attorney General  
Pascua Yaqui Tribe  
Office of the Attorney General  
4725 W. Calle Tetakusim, Bldg. B  
Tucson, AZ 85757  
Fax: (520) 883-5084

Re: Amended Gaming Ordinance

Dear Mr. Flores:

This letter responds to your request to the National Indian Gaming Commission (NIGC) to review and approve the amendment to the Pascua Yaqui Tribe (Tribe) Gaming Ordinance. The amendment was adopted by Tribal Council Resolution No. C12-272-08 on December 3, 2008, and submitted to the NIGC on January 2, 2009. The ordinance was amended to provide procedures for resolving disputes between the gaming public and the Tribe, as required by your compact.

The ordinance is consistent with the requirements of the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2701 *et seq.*, and this agency's regulations, and it is therefore approved. It is important to note that the ordinance is approved for gaming only on Indian lands, as defined in IGRA, over which the Tribe has jurisdiction. 25 U.S.C. § 2703(4); 25 C.F.R. § 502.12.

Thank you for your submission. If you have any questions or require assistance, please contact Esther Dittler, Staff Attorney in the Office of General Counsel, at 202-632-7003.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip N. Hogen".

Philip N. Hogen  
Chairman

cc: Peter Yucupicio, Chairman

# PASCUA YAQUI TRIBE



RESOLUTION NO. C12-272-08

**RESOLUTION OF THE PASCUA YAQUI TRIBE ENACTING ORDINANCE NO. 38-08 THAT AMENDS PASCUA YAQUI TRIBAL CODE TITLE 2, PART III, CHAPTER 3-1 BY ADDING SECTION 250, AND REPEALS EXISTING CODE SECTION 8 PYTC § 2-1-570.**

**WHEREAS,** the Tribal Council of the Pascua Yaqui Tribe is vested with the power to develop and adopt ordinances, resolutions, rules and regulations to protect and promote the peace, health, safety and general welfare of the Pascua Yaqui people (Article VI, Section 1(o) of the Constitution of the Pascua Yaqui Tribe); and

**WHEREAS,** the Tribe agreed in its Tribal-State Compact to establish written procedures to dispose of certain civil tort lawsuits arising from personal injury or property damage alleged to have been suffered by patrons of its Class III Gaming Facilities; and

**WHEREAS,** the Attorney General has recommended that it is in the Tribe's best interest to amend the current Gaming Enterprise Division Ordinance to clarify the Tribe's procedures for the disposing of Class III Gaming Facility patrons' civil tort lawsuits; and

**WHEREAS,** the Attorney General's Office has drafted a revised Code Section to effect the recommended amendment, which is embodied in Ordinance No. 38-08 and incorporated herein by this reference; and

**WHEREAS,** the Tribal Council finds that it is in the Tribe's best interest to add a new Tribal Code Section 2 PYTC § 3-1-250 to clarify the Tribe's procedures for the disposing of Class III Gaming Facility patrons' civil tort lawsuits.

**NOW THEREFORE BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE PASCUA YAQUI TRIBE** that the Council hereby enacts Ordinance No. 38 -08 entitled "**ORDINANCE OF THE PASCUA YAQUI TRIBE AMENDING PASCUA YAQUI TRIBAL CODE TITLE 2, PART III, CHAPTER 3-1, BY ADDING NEW SECTION 250 AND REPEALING EXISTING CODE SECTION 8 PYTC § 2-1-570**" to amend the Pascua Yaqui Tribal Code by (1) adding a new Tribal Code Section 2 PYTC § 3-1-250, which is incorporated by reference, and (2) repealing existing Code Section 8 PYTC § 2-1-570..

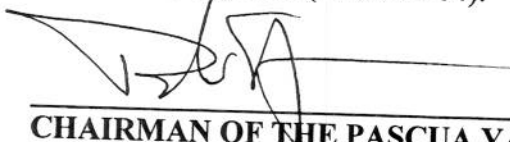
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RESOLUTION NO. C12-272-08

Enacting Ordinance No. 38-08 that Amends Pascua Yaqui Tribal Code Title 2, Part III, Chapter 3-1 by adding Section 250, and Repeals Existing Code Section 8 PYTC § 2-1-570.

CERTIFICATION

THE FOREGOING was on **December 3, 2008** duly adopted by a vote of **EIGHT** in favor, **ZERO** opposed, and **ZERO** abstained, by the Tribal Council of the Pascua Yaqui Tribe pursuant to authority vested in it by Article VI, Section 1(o) of the Constitution of the Pascua Yaqui Tribe as adopted on January 26, 1988 and approved by the Secretary of the Interior on February 8, 1988 pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).



CHAIRMAN OF THE PASCUA YAQUI TRIBE



SECRETARY OF THE PASCUA YAQUI TRIBE

