



FEB 15 2002

Mr. Robert A. Rosette
Monteau & Peebles, LLP
Attorney at Law
1001 Second Street
Sacramento, CA 95814

Re: Amendment of the Picayune Rancheria of Chukchansi Indians Tribal Gaming Ordinance

Dear Mr. Rosette:

This letter responds to your letter of January 2, 2002, requesting National Indian Gaming Commission (NIGC) review and approval of the amendment to the Picayune Rancheria of Chukchansi Indians (Tribe) gaming ordinance, adopted by Resolution No. 2001-35 on December 27, 2001 and received in this office on January 3, 2002. This letter constitutes approval of your submission to amend sections 4.7.5 and 4.8 of the original ordinance, under the Indian Gaming Regulatory Act (IGRA). It is important to note that the gaming ordinance is approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe has jurisdiction.

Thank you for submitting the amendment for review and approval. The NIGC staff and I look forward to working with you and the Tribe on future gaming issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Montie R. Deer".

Montie R. Deer
Chairman



Picayune Rancheria
of the

CHUKCHANSI INDIANS

46575 Road 417 • Coarsegold, CA 93614 • (559) 683-6633 • FAX (559) 683-0599

THE PICAYUNE RANCHERIA
OF THE
CHUKCHANSI INDIANS
RESOLUTION
NO. 2001-35

2001-35 2001

**Amending the Tribal Gaming Ordinance Pending at the NIGC
To Limit the Waiver of Sovereign Immunity to
Specific Parties and for Specific Actions**

- WHEREAS,** the Picayune Rancheria of the Chukchansi Indians is a sovereign federally recognized tribe as established pursuant to Tillie Hardwick et. al. Vs. United States, 1983; and
- WHEREAS,** the Tribal Council of the Picayune Rancheria of the Chukchansi Indians is authorized under Public Law 93-638, the Indian Self-Determination and Education Assistance Act, and by the Tribal Constitution to act and exercise Tribal Authority on behalf of the Picayune General Council; and
- WHEREAS,** we, the duly elected Tribal Council of the Picayune General Council, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our government all rights secured under agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, and to preserve our cultural values, and otherwise promote the welfare of the Picayune General Council, do hereby establish and submit the following resolution; and
- WHEREAS,** the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of the Tribal Council; and
- WHEREAS,** the Tribal Council is concerned that the sovereign immunity provisions in the Tribe's Gaming Ordinance are too broad and the Tribal Council desires to limit the existing waivers of sovereign immunity within the Gaming Ordinance to specific parties and for specific actions; and
- NOW, THEREFORE BE IT RESOLVED,** that the Tribal Council does hereby approve by majority vote to amend the Tribal Gaming Ordinance in Title I, Section 4.7.5 to read as follows:

Limited Waiver for Arbitration Actions With the passage of this Code, the Tribal Commission and Tribal Council hereby expressly waive the sovereign immunity of the Tribal Gaming Commission from arbitration actions, arising from Management Contracts with the Management Contractor or from any Collateral Agreement as per 25 C.F.R. § 502.5, and which are entered into by the Tribal

Commission in connection with the financing, development, management, and operation of Gaming.

BE IT FURTHER RESOLVED THAT, the Tribal Council does hereby approve by majority vote to amend the Tribal Gaming Ordinance in Title I, Section 4.8 to read as follows:

Sovereign Immunity of the Tribe Except as expressly waived in this section below, all inherent sovereign rights of the Tribe as a Federally-recognized Indian Tribe, with respect to the existence and activities of the Tribal Council, are hereby expressly reserved, including sovereign immunity from suit in any state, Federal or Tribal court. The Tribe, however, does waive its sovereign immunity from arbitration actions, and suit and judgment to compel or enforce arbitration, only to the Management Contractor or in any Collateral Agreement as per 25 C.F.R. § 502.5 for disputes arising under Contracts entered into by the Tribe, the Authority and/or the Tribal Council in connection with the financing, development, management, and operation of gaming.

CERTIFICATION

The Chukchansi Tribal Council of the Picayune Rancheria of the Chukchansi Indians of California do hereby certify that the foregoing resolution was adopted by the Tribal Council at a duly called meeting, at which a quorum was present on Dec. 27-01 by a vote of 4 for, 0 against, and 0 abstentions.

Wesley Jackson
Chairman

12-27-01
Date

Monica Reed
Acting Secretary

12/27/01
Date