AMENDMENT TO THE TRIBAL-STATE COMPACT
BETWEEN THE STATE OF CALIFORNIA AND THE
DRY CREEK RANCHERIA BAND OF POMO INDIANS

The Dry Creek Rancheria Band of Pomo Indians (Tribe), a federally recognized Indian tribe, and the State of California (State) enter into this Amendment to the Tribal-State Compact Between the State of California and the Dry Creek Rancheria Band of Pomo Indians (Amendment), pursuant to the Indian Gaming Regulatory Act of 1988, 18 U.S.C. §§ 1166-1168, 25 U.S.C. §§ 2701-2721, and pursuant to section 15.1 of the Tribal-State Compact Between the State of California and the Dry Creek Rancheria Band of Pomo Indians, effective January 22, 2018 (2018 Compact).

PREAMBLE

WHEREAS, the Tribe and State agreed to terms for a tribal-state Class III Gaming compact that included a Tribal Labor Relations Ordinance that acknowledged the Tribe's interest in employing tribal members and excluded enrolled members of the Tribe from the numerical threshold at which the Tribe must enact the Tribal Labor Relations Ordinance;

WHEREAS, the executed 2018 Compact inadvertently omitted the language agreed to that exempted enrolled members of the Tribe for this purpose;

WHEREAS, the 2018 Compact has a section reference error in section 4.5, subdivision (c) and the State and the Tribe agree that it should be corrected;

WHEREAS, the language in section 6.4.3, subdivision (f) of the 2018 Compact resulted in unintended consequences that the Tribe and the State agree should be corrected;

WHEREAS, the 2018 Compact has errors in section 11.8, subdivision (f), and the State and the Tribe agree that the subdivision should be corrected;

WHEREAS, section 15.1 of the 2018 Compact provides that its terms may be amended at any time by mutual agreement of the parties, and the State
and the Tribe agreed to negotiate regarding technical amendments to the 2018 Compact to accurately reflect the agreement reached between the parties and to correct the unintended consequences of section 6.4.3, subdivision (f).

NOW, THEREFORE, the Tribe and the State agree as set forth herein:

Section 4.5, subdivision (c) of the 2018 Compact is repealed and replaced by the following:

(c) Nothing in this section precludes the Tribe from invoking the dispute resolution provisions of section 13.0 to address the issue of whether any person or entity (other than an Indian tribe with an approved Class III Gaming compact) is engaging in the Gaming Activities specified in subdivisions (a) or (b) of section 3.1 of this Compact.

Section 6.4.3, subdivision (f) of the 2018 Compact is repealed and replaced by the following:

(f) Notwithstanding subdivisions (b) and (c), the Tribe may employ or retain in its employ a person whose application for a determination of suitability, or for a renewal of such a determination, has been denied by the State Gaming Agency, if the person is an enrolled member of the Tribe (defined for purposes of this subdivision as a person who is a member of the Tribe as determined by the Tribe's law), and if:

(1) The enrolled member of the Tribe holds a valid and current license issued by the Tribal Gaming Agency that must be renewed at least biennially; and

(2) The enrolled member of the Tribe is not an employee or agent of any other gaming operation; and

(3) Either subdivision (f)(3)(A) or (B) applies:

(A) The enrolled member was eligible for an exemption under section 6.4.4, subdivision (d) of the 1999 Compact, was granted a license by the Tribal Gaming Agency while the 1999 Compact was in effect, and the State Gaming Agency's denial of the
application is based solely on activities, conduct, or associations that antedate the Tribal Gaming Agency’s first grant of a license to the tribal member pursuant to the 1999 Compact; or

(B) The denial of the application by the State Gaming Agency is based solely on activities, conduct, or associations that antedate by at least ten (10) years, the filing of the enrolled member of the Tribe’s initial application to the State Gaming Agency for a determination of suitability.

Section 11.8, subdivision (f) of the 2018 Compact is repealed and replaced by the following:

(f) The arbitral award will become the intergovernmental agreement with the County required under section 11.7.

Appendix C of the 2018 Compact is repealed and is replaced by the document attached hereto as Appendix C.

A new section 18.9 is hereby added as follows:

Sec. 18.9. Representations Concerning This Amendment.

(a) The Tribe expressly represents that as of the date of the undersigned’s execution of this Amendment, the undersigned had the authority to execute this Amendment on behalf of the Tribe, including any waiver of sovereign immunity and the right to assert sovereign immunity therein, and will provide written proof of that authority and of the ratification by the tribal governing body to the Governor no later than thirty (30) days after the execution of this Amendment by the undersigned.

(b) The Tribe further represents that it is (i) recognized as eligible by the Secretary of the Interior for special programs and services provided by the United States to Indians because of their status as Indians, and (ii) recognized by the Secretary of the Interior as possessing powers of self-government.
(c) In entering into this Amendment, the State expressly relies upon the foregoing representations by the Tribe, and the State’s entry into the Amendment is expressly made contingent upon the truth of those representations as of the date of the Tribe’s execution of this Amendment through the undersigned. If the Tribe fails to timely provide written proof of the undersigned’s aforesaid authority to execute this Amendment or written proof of ratification by the Tribe’s governing body, the Governor shall have the right to declare this Amendment null and void.

(d) This Amendment shall not be presented to the California State Legislature for a ratification vote until the Tribe has provided to the Governor the written proof required in subdivision (a) of this section.

IN WITNESS WHEREOF, the undersigned sign this Compact on behalf of the State of California and the Dry Creek Rancheria Band of Pomo Indians.

STATE OF CALIFORNIA

By Edmund G. Brown Jr.
Governor of the State of California

Played this 5th day of August 2018, at Sacramento, California

ATTEST:

Alex Padilla
Secretary of State, State of California

DRY CREEK RANCHERIA BAND OF POMO INDIANS

By Chris Wright
Chairperson of the Dry Creek Rancheria Band of Pomo Indians

Executed this 30th day of July 2018, at Santa Rosa, California