FIRST AMENDMENT TO THE
TRIBAL-STATE GAMING COMPACT
BETWEEN
THE STATE OF CALIFORNIA
AND THE
SANTA YNEZ BAND OF MISSION INDIANS
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PREAMBLE

WHEREAS, section 3.1 of the 2015 Compact provides for authorized Class III Gaming, and specifically provides in section 3.1, subdivision (b), that “[n]othing herein shall be construed to preclude the Tribe from offering class II gaming or preclude the negotiation of a separate compact governing the conduct of off-track wagering at the Tribe’s Gaming Facility”; and

WHEREAS, the Tribe desires to enter into an off-track wagering compact; and

WHEREAS, section 15.1 of the 2015 Compact provides that its terms may be amended at any time by mutual agreement of the parties, and the parties agreed to negotiate regarding an amendment to the 2015 Compact to authorize off-track wagering at the Tribe’s Gaming Facility; and

WHEREAS, the State wishes to ensure that each California tribe with a Class III Gaming compact has compact terms that are consistent with federal law, and to the extent practicable, reflect the circumstances of that tribe.
NOW, THEREFORE, the Tribe and the State agree as set forth herein:

Section 3.1 of the 2015 Compact is repealed and is replaced as follows:

Sec. 3.1. Authorized Class III Gaming.

(a) The Tribe is hereby authorized and permitted to operate only the following Gaming Activities under the terms and conditions set forth in the 2015 Compact and this Amendment:

(1) Gaming Devices.

(2) Any banking or percentage card games.

(3) Any devices or games that are authorized under state law to the California State Lottery, provided that the Tribe will not offer such games through use of the Internet unless others in the state are permitted to do so under state and federal law.

(4) Off-track wagering on horse races at a satellite wagering facility pursuant to the requirements in the document attached hereto as Appendix E.

(b) Nothing herein shall be construed to preclude the Tribe from offering class II gaming.

(c) Nothing herein shall be construed to authorize or permit the operation of any Class III Gaming that the State lacks the power to authorize or permit under article IV, section 19, subdivision (f), of the California State Constitution.

(d) The Tribe shall not engage in Class III Gaming that is not expressly authorized in the 2015 Compact and this Amendment.

Section 18.3 of the 2015 Compact is repealed and is replaced as follows:

Sec. 18.3. Construction.

Neither the presence in another tribal-state Class III Gaming compact of language that is not included in the 2015 Compact or this Amendment, nor the
absence in another tribal-state Class III Gaming compact of language that is present in the 2015 Compact or this Amendment shall be a factor in construing the terms of the 2015 Compact or this Amendment. In the event of a dispute between the parties as to the language of the 2015 Compact or this Amendment, or the construction or meaning of any term thereof, the 2015 Compact and this Amendment will be deemed to have been drafted by the parties in equal parts so that no presumptions or inferences concerning their terms or interpretation may be construed against any party to the 2015 Compact and this Amendment.

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 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 First Amendment to the Tribal-State Compact Between the State of California and the Santa Ynez Band of Mission Indians on behalf of the State of California and the Santa Ynez Band of Mission Indians.

STATE OF CALIFORNIA

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

SANTA YNEZ BAND OF MISSION INDIANS

Kenneth Kahn
Chairman of the Santa Ynez Band of Mission Indians

Executed this 1st day of August, 2018, at Sacramento, California.

Executed this 17th day of July, 2018, at Santa Ynez Reservation, California.

ATTEST:

Alex Pailla
Secretary of State, State of California

Deemed Approved

JAN 31 2019