

**PONCA TRIBE OF NEBRASKA
TRIBAL COUNCIL**

RESOLUTION 09-56

- WHEREAS, the Ponca Tribe of Nebraska (the "Tribe") is a federally recognized Indian tribe with powers of self-government; and
- WHEREAS, in accordance with its Constitution, the Tribe is governed by the Tribal Council; and
- WHEREAS, the Tribal Council enacted a Gaming Ordinance and an Amended Gaming Ordinance governing Class I and Class II gaming by the Tribe under the Indian Gaming Regulatory Act; and
- WHEREAS, by Resolution 07-36, the Tribal Council authorized an Amended Gaming Ordinance that would authorize gaming on what is known as the Carter Lake Parcel, a parcel of land in Carter Lake, Iowa accepted into trust on February 4, 2003, by the Regional Director for the Bureau of Indian Affairs; and
- WHEREAS, the NIGC's approval of the Tribe's Gaming Ordinance is the subject of a federal lawsuit brought by the States of Iowa and Nebraska which, until resolved, has delayed the commencement of gaming on the Carter Lake trust parcel; and
- WHEREAS, the Tribe has determined that it is in the best interest of the Tribe and its members to pursue an interim economic venture on the Carter Lake trust parcel in order to generate needed governmental revenue; and
- WHEREAS, the Tribe has determined that establishing a smoke shop selling discount cigarettes to the general public will be the best interim measure to generate revenue for the benefit of the Tribe and its members; and
- WHEREAS, the Tribe and the City have engaged in discussions regarding this interim economic development measure but have been unable to come to an agreement regarding the necessity of building permits and zoning requirements for the site regarding this proposed use; and
- WHEREAS, pursuant to Resolution 09-50, the Tribe and the City have negotiated and agreed to an addendum to the existing "Cooperation and Jurisdiction Agreement" between the City and the Tribe to resolve the issue of building permits and zoning requirements for the proposed smoke shop on the trust parcel; and
- WHEREAS, on September 30, 2009, the Carter Lake City Council approved the addendum to the "Cooperation and Jurisdiction Agreement" between the City and the Tribe; and

WHEREAS, the addendum requires the Tribe, within seven (7) days of the City's approval of the addendum to adopt as its own the building codes that would otherwise be applicable to the property were it not held in trust.

NOW, THEREFORE, BE IT RESOLVED that the Tribal Council hereby adopts as its own and makes as tribal law the City, County and State building codes regarding safety, maintenance, plumbing, fire safety, and electricity that would otherwise be applicable to the trust property if it were held in fee simple; and

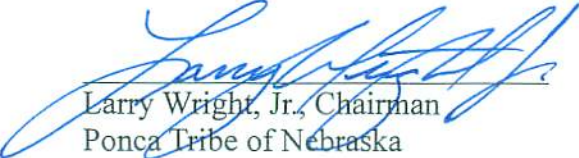
BE IT FURTHER RESOLVED that upon 48 hours notice, the Tribe will allow access by local building inspectors to ensure compliance with local standards; and

BE IT FURTHER RESOLVED that the Tribe will apply to have the zoning designation of the property changed to conform to the contemplated retail use, approval of which will not be unreasonably withheld by the City.

CERTIFICATION

THIS IS TO CERTIFY AND AFFIRM that the above Resolution was duly authorized and passed by the Ponca Tribal Council on the 5 day of October, 2009, at a duly called meeting held at Niobrara, Nebraska by a vote of 7 Ayes; 0 Nays; 0 Abstained; 1 Absent. Chairperson voting not voting. A quorum of 8 was present.

ATTEST


Larry Wright, Jr., Chairman
Ponca Tribe of Nebraska


Rose Birdhead, Secretary
Ponca Tribe of Nebraska

