

SECOND AMENDMENT TO THE

TRIBAL-STATE COMPACT

BETWEEN

THE STATE OF CALIFORNIA

AND

THE ELEM INDIAN COLONY OF POMO

INDIANS OF THE SULPHUR BANK

RANCHERIA, CALIFORNIA

**SECOND AMENDMENT TO THE TRIBAL-STATE COMPACT
BETWEEN THE STATE OF CALIFORNIA
AND THE ELEM INDIAN COLONY OF POMO INDIANS OF THE
SULPHUR BANK RANCHERIA, CALIFORNIA
TO EXTEND THE COMPACT TERM**

WHEREAS, the State of California (State) and the Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California (Tribe) entered into a class III gaming compact on October 8, 1999 (1999 Compact); and

WHEREAS, the State and the Tribe, on October 8, 1999, modified the terms of the 1999 Compact by Addendum “A” to Tribal-State Gaming Compact Between the Elem Indian Colony and the State of California (Addendum A); and

WHEREAS, the 1999 Compact took effect on May 16, 2000, upon publication of notice in the Federal Register that the Secretary of the United States Department of the Interior (Secretary) had approved the 1999 Compact as modified by Addendum A (65 Fed. Reg. 31189 (May 16, 2000)); and

WHEREAS, the 1999 Compact authorizes the Tribe to operate specified Gaming Activities, as provided therein, pursuant to the Indian Gaming Regulatory Act, 18 U.S.C. §§ 1166-1168, 25 U.S.C. § 2701 et seq. (IGRA); and

WHEREAS, section 11.2.1, subdivision (a) of the 1999 Compact as modified by Addendum A, Modification No. 4, reads as follows:

Once effective this Compact shall be in full force and effect for state law purposes until December 31, 2020. No sooner than eighteen (18) months prior to the aforementioned termination date, either party may request the other party to enter into negotiations to extend this Compact or to enter into a new compact. If the parties have not agreed to extend the date of this Compact or entered into a new compact by the termination date, this Compact will automatically be extended to June 30, 2022, unless the parties have agreed to an earlier termination date.

and

WHEREAS, under the terms of Addendum A, section 11.2.1, subdivision (a), the termination date of the 1999 Compact was extended to June 30, 2022; and

WHEREAS, on May 11, 2022, the Tribe and the State executed the Amendment to the Tribal-State Compact Between the State of California and the Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California (First Extension) extending the termination date of the 1999 Compact to December 31, 2023, and the 1999 Compact now shall terminate on that date; and

WHEREAS, an extension to the 1999 Compact under IGRA does not require approval by the Secretary so long as the extension does not include any amendment to the terms of the 1999 Compact (25 C.F.R. § 293.5); and

WHEREAS, this amendment will not change, and is not intended by the Tribe and the State to change, any terms of the 1999 Compact except for extending the termination date provided in section 11.2.1, subdivision (a), as amended by the First Extension; and

WHEREAS, the Tribe and the State recognize that this amendment is authorized and negotiated and shall take effect pursuant to IGRA upon the date on which a statute, approved by the California Legislature and signed into law by the Governor ratifying this amendment, is chaptered by the California Secretary of State; and

WHEREAS, nothing in this amendment, the 1999 Compact, or the First Extension shall preclude the State and the Tribe from entering into another amendment to further extend the date in section 11.2.1, subdivision (a) of the 1999 Compact.

NOW, THEREFORE, the State and the Tribe, for good and valuable consideration, including their mutual intent to maintain the 1999 Compact pending a new class III gaming compact, hereby agree as set forth herein:

The first sentence of section 11.2.1, subdivision (a) of the 1999 Compact, as amended by the First Extension, is repealed and replaced by the following:

Sec. 11.2.1. Effective. (a) Once effective this Compact shall be in full force and effect for state law purposes until December 31, 2024.

IN WITNESS WHEREOF, the undersigned sign this amendment solely to extend the term of the 1999 Compact on behalf of the State of California and the Tribe.

STATE OF CALIFORNIA



By Gavin Newsom
Governor of the State of California

ELEM INDIAN COLONY OF POMO
INDIANS OF THE SULPHUR BANK
RANCHERIA, CALIFORNIA

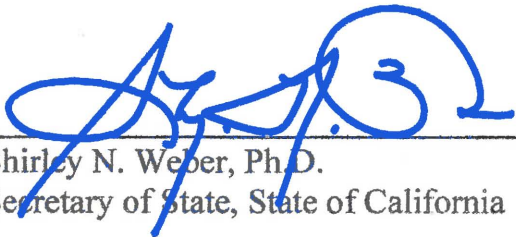


By Agustin Garcia
Chairperson of the Elem Indian Colony
of Pomo Indians of the Sulphur Bank
Rancheria, California

Executed this 15 day of August,
2023, at Sacramento, California

Executed this 4 day of August,
2023, at Santa Rosa,
California

ATTEST:


Shirley N. Weber, Ph.D.
Secretary of State, State of California