

A RESOLUTION (A) MODIFYING PRIOR
COMMISSION RESOLUTION 2011-82 CONCERNING EAST
CHICAGO LOCAL DEVELOPMENT AGREEMENT AND
(B) AUTHORIZING DISTRIBUTION OF FUNDS
FROM ONE SEGREGATED ACCOUNT

The Indiana Gaming Commission ("Commission"), based upon its consideration of the following factors, adopts the following resolution pursuant to the authority granted to the Commission under I.C. 4-33 and Title 68 of the Indiana Administrative Code:

1. The Commission maintains continuing jurisdiction over the local development agreement ("Agreement") concerning the riverboat casino in East Chicago, Indiana.
2. The Agreement has been the subject of litigation, including, but not limited to, the pending action of *Foundations of East Chicago, Inc. v. City of East Chicago*, Cause No. 49D13-0705-PL-019348 (the "2007 Statutory Challenge Action").
3. On December 3, 2007, the trial court in the Statutory Challenge Action entered an Order requiring the licensee of the East Chicago riverboat casino, Ameristar Casino East Chicago, LLC ("Ameristar"), to pay the two percent (2%) of its adjusted gross receipts which had been paid previously to the Foundations of East Chicago, Inc. (as successor to Twin City Economic Development Foundations, Inc. and East Chicago Community Development Foundation, Inc.) under the Agreement into a separate, segregated account ("Segregated Account") and to hold the funds in the Segregated Account until a court of competent jurisdiction orders otherwise.
4. The Commission maintains continuing jurisdiction over the funds which have been paid by Ameristar into the Segregated Account.
5. On March 17, 2011, the Commission adopted Resolution 2011-82, in which the Commission, among other things, directed Ameristar to refrain from disbursing any present or future funds from the Segregated Account and from paying to Foundations of East Chicago, Inc. any future payments provided for in the Agreement, without further Commission approval.
6. As long as local development payments remain in and continue to be made into the Segregated Account, such payments are not available for use according to the purposes of the Agreement and otherwise as provided by law.
7. The Commission desires to modify Resolution 2011-82 with respect to the Segregated Account described herein and to authorize distribution of this Segregated Account to the Foundations of East Chicago, Inc. to be used for the purposes permitted by the Agreement and by applicable law.

NOW, THEREFORE, for the foregoing reasons, the Commission herewith (A) modifies Commission Resolution 2011-82 by rescinding those parts of said Resolution 2011-82 which

direct Ameristar to refrain from disbursing and paying to Foundations of East Chicago, Inc. any present or future funds from the Segregated Account described herein, and (B) authorizes Ameristar to distribute and pay to Foundations of East Chicago, Inc. any and all funds in the Segregated Account, subject to approval by the court in which the Statutory Challenge Action is pending.

IT IS SO RESOLVED AND DIRECTED effective on and after the 2nd day of June, 2011.

THE INDIANA GAMING COMMISSION:



Timothy Murphy, Chair

ATTEST:



Mark Fine, Secretary