SHINGLE SPRINGS BAND OF MIWOK INDIANS
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SHINGLE SPRINGS TRIBAL GAMING ORDINANCE

GENERAL PROVISIONS

An ordinance to regulate and provide for the licensing of Class II and Class III gaming on tribal lands of the Shingle Springs Band of Miwok Indians.

SECTION 1 SHORT TITLE

This ordinance may be cited as the "Shingle Springs Tribal Gaming Ordinance" ("Ordinance").

SECTION 2 AUTHORIZED GAMING ACTIVITIES

2.1 Class II Gaming. All forms of Class II gaming as defined in the Indian Gaming Regulatory Act (25 U.S.C. 2701 *et seq.* ("IGRA")), section 2703(7)(A) and 25 C.F.R. section 502.3 are hereby authorized.

2.2 Class III Gaming. All forms of Class III gaming as defined in IGRA section 2703(8) and 25 C.F.R. section 502.4, and permitted under any tribal-state gaming compact, and related amendments, with the State of California entered into pursuant to section 2710(d) of IGRA (the "Compact") are hereby authorized.

SECTION 3 OWNERSHIP OF GAMING

3.1 The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming activity authorized by this Ordinance.

(a) On behalf of the Tribe, the Shingle Springs Tribal Gaming Commission shall be the sole entity regulating gaming activity authorized by this Ordinance, as outlined in its bylaws and in accordance with its internal policies and procedures, as approved by the Shingle Springs Tribal Council.

(b) On behalf of the Tribe, the Shingle Springs Tribal Gaming Authority shall be the sole entity managing the operation of the gaming activity authorized by this Ordinance as outlined in the Gaming Authority Ordinance and in accordance with its internal policies and procedures, as approved by the Shingle Springs Tribal Gaming Commission.

SECTION 4 USE OF GAMING REVENUES

4.1 Net revenues from gaming authorized by this Ordinance shall only be expended by the Tribal Council for one or more of the following purposes:

(a) to fund tribal government operations or programs;

(b) to provide for the general welfare of the Tribe and its members;

(c) to promote tribal economic development;

(d) to donate to charitable organizations; or

(e) to help fund operations of local government agencies.

4.2 The Tribe shall ensure that per capita payments to tribal members from revenues derived from its gaming operations are made only in accordance with a revenue allocation plan submitted to and approved by the Secretary of the Interior under IGRA section 2710(b)(3), and which complies with the requirements of 25 C.F.R. Part 290.

4.3 The Tribe shall not make payments from revenues derived from its gaming operations pursuant to or relating in any way to a contract which the National Indian Gaming Commission ("NIGC") has declared void or violative of federal law.

SECTION 5 ANNUAL AUDIT

5.1 The Tribe shall cause to be conducted, at least annually, an independent audit of the books and records of each gaming operation, and shall submit the resulting audit reports to the NIGC.

5.2 All gaming related contracts resulting in purchases of supplies, services, or concessions in excess of $25,000 in any year (except contracts for professional legal or accounting services) shall be specifically included within the scope of the audit conducted pursuant to this section.

SECTION 6 ENVIRONMENTAL/PUBLIC HEALTH AND SAFETY PROTECTION

6.1 In compliance with IGRA section 2710(b)(2)(E), the construction and maintenance of any gaming operation, and the operation of all gaming, shall be conducted in a manner which adequately protects the environment and the public health and safety.

SECTION 7 LICENSING OF KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS

7.1 The Tribe, through its regulating entity, the Shingle Springs Tribal Gaming Commission, shall ensure the policies and procedures set out in this section are

implemented with respect to Key Employees and Primary Management Officials employed at any facility conducting gaming operations authorized by this Ordinance.

7.2 For purposes of this section, the following definitions apply:

(a) "Key Employee" means:

(i) a person who performs one or more of the following functions:

a. bingo caller;

b. counting room supervisor;

c. chief of security;

d. custodian of gaming supplies or cash;

e. floor manager;

f. pit boss;

g. dealer;

h. croupier;

i. approver of credit; or

j. custodian of gambling devices including persons with access to cash and accounting records within such devices.

(ii) if not otherwise included, any other person whose total cash compensation exceeds $50,000 per year; or

(iii) if not otherwise included, the four most highly compensated persons in the gaming operation.

(iv) if not otherwise included, any other person designated by the Tribe or the Compact as a Key Employee.

(b) "Primary Management Official" means:

(i) the person having management responsibility for a management contract;

(ii) any person who has authority:

a. to hire and fire employees; or

b. to set up a working policy for the gaming operation; or

(iii) the chief financial officer or other person who has financial management responsibility.

SECTION 8 APPLICATION FOR GAMING LICENSES

8.1 Each Key Employee and Primary Management Official shall complete an application for an initial gaming license or renewal of an existing gaming license for each gaming operation on an application form prescribed by the Tribe.

8.2 The Tribe may also require vendors to the facility to complete an application for an initial vendor license or renewal of an existing vendor license for each gaming operation on an application form prescribed by the Tribe.

8.3 An application for a gaming license shall include:

(a) the following privacy notice prescribed by 25 C.F.R. section 556.2:

> In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by the National Indian Gaming Commission ("NIGC") members and staff who have need for the information in the performance of their official duties. The information may be disclosed by the Tribe or the NIGC to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the issuance, denial, or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to license you for a primary management official or key employee position.
>
> The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.

(b) the following notice regarding false statements prescribed in part by 25 C.F.R. 556.3:

> A false statement on any part of your license application, supporting documentation or supplemental information you

provide as part of this application may be grounds for not hiring you, denying, suspending or revoking your gaming license, or for terminating you after you begin work. Also, you may be punished by fine or imprisonment (U.S. Code, title 18, section 1001).

SECTION 9 BACKGROUND INVESTIGATIONS

9.1 The Tribe shall conduct, or cause to be conducted, a background investigation of each applicant for a position designated as a Key Employee or Primary Management Official sufficient to determine the applicant is eligible to hold a gaming license. To reach this determination, the Tribe shall satisfy itself that the applicant:

(a) is not a minor;

(b) is a person of good character, honesty, and integrity;

(c) has no prior activities, criminal record, reputation, habits, and associations which pose a threat to the public interest or the interest of the Tribe or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct or gaming or the carrying on of the business and financial arrangements incidental to the conduct of gaming;

(d) has not supplied false and/or misleading information or who has not omitted material information required under IGRA, NIGC regulations and this Ordinance;

(e) has not had a gaming license revoked for cause in any jurisdiction since the effective date of IGRA;

(f) has not failed to meet any suitability requirements under the Compact; and

(g) is a person whose background, reputation or associations will not adversely impact the Tribe or its gaming operation.

9.2 If in making the qualification determination referenced in subsection 9.1 above the Tribe determines that licensing an individual poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the Tribe shall not license that individual as a Key Employee or Primary Management Official.

9.3 In conducting its background investigation, the Tribe shall keep confidential the identity of each person interviewed in the course of the investigation.

9.4 The Tribe shall request the following background investigation information from each Key Employee and Primary Management Official:

(i) full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);

(ii) currently, and for the previous 10 years, business and employment positions held, ownership interests in those businesses, business and residence addresses and phone numbers, and drivers license numbers;

(iii) the names and current addresses and phone number of at least 5 personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (ii) of this subsection;

(iv) current business and residence telephone numbers;

(v) a description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;

(vi) a description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;

(vii) the name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;

(viii) for each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition, if any, including any paperwork showing the disposition of the charge;

(ix) for each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), the name and address of the court involved and the date and disposition;

(x) for each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is not otherwise listed pursuant to paragraphs (viii) or (ix) of this subsection, the criminal charge, the name and address of the court involved, and the date and disposition;

(xi) the name and address of any licensing or regulatory agency with which the applicant has filed an application for an occupational license or permit, whether or not such license or permit was granted;

(xii) a current photograph;

(xiii) a complete history of the applicant's educational background, including the names of any colleges, universities, trade or vocational schools, and high schools attended, and include a copy of the diploma or G.E.D. if awarded;

(xiv) a description of the applicant's family, including an explanation of the relationships described (e.g., parents, guardians, etc.);

(xv) any financial statement from the applicant's accountant or other financial information specifically requested on the application form, for example, income sources, assets owned, insurance policies, mortgages, and other information relating to the filing of bankruptcy or other obligations;

(xvi) a description of the applicant's spousal status including, if applicable, the existence of any previous marriages;

(xvii) fingerprints of the applicant to be taken for a criminal history check. A criminal history check will include a check of criminal history records information maintained by the Federal Bureau of Investigation;

(xviii) a statement authorizing law enforcement agencies and prior employers to release information and respond to questions relating to the applicant's records, habits, reputation, and associations;

(xix) all applicants are required to submit to a drug screening test and, if employed, random screening tests thereafter; and

(xx) any other information the Tribe deems relevant.

SECTION 10 REPORT TO THE NIGC

10.1 Before issuing a license to a Key Employee or Primary Management Official, the Tribe shall prepare an investigative report summarizing each background investigation of a Key Employee or Primary Management Official that the gaming operation intends to employ.

10.2 Each investigative report shall include the following:

(a) the steps taken in conducting the background investigation;

(b) the results obtained;

(c) the conclusions reached; and

(d) the basis for those conclusions.

10.3 No later than 60 days after a Key Employee or a Primary Management Official begins work, the Tribe shall submit to the NIGC a notice of results of the background investigation. The notice of results shall contain:

(a) the applicant's name, date of birth, and social security number;

(b) the date on which the applicant began or will begin work as a Key Employee or Primary Management Official;

(c) a summary of the information presented in the investigative report, which shall at a minimum include a listing of:

(i) licenses that have been previously denied;

(ii) gaming licenses that have been revoked, even if subsequently reinstated;

(iii) every known criminal charge brought against the applicant within the last 10 years of the date of application; and

(iv) every felony of which the applicant has been convicted or any ongoing prosecution.

(d) a copy of the Tribe's qualification determination made under subsection 9.1 above.

10.4 If a gaming license is not issued to an applicant, the Tribe:

(a) shall notify the NIGC; and

(b) shall forward copies of its qualification determination and investigative report (if any) to the NIGC for inclusion in the Indian Gaming Individuals Records System.

10.5 With respect to Key Employees and Primary Management Officials, the Tribe shall retain applications, investigative reports, and eligibility determinations for gaming licenses and reports (if any) of background investigations for inspection by the NIGC for no less than 3 years from the date of termination of employment.

10.6 A gaming operation shall not employ as a Key Employee or Primary Management Official a person who does not have a gaming license 90 days after a license application has been submitted.

SECTION 11 GRANTING A GAMING LICENSE.

11.1 If, within a 30 day period after the NIGC receives an investigative report, the NIGC notifies the Tribe that it has no objection to the issuance of a gaming license pursuant to a license application filed by a Key Employee or Primary Management Official, the Tribe may issue a license to such applicant. Within 30

days after the issuance of the license, the Tribe shall notify the NIGC of its issuance.

11.2 The Tribe shall respond to a request for additional information from the NIGC concerning a Key Employee or Primary Management Official who is the subject of an investigative report. Such a request shall suspend the 30 day period under subsection 11.1 above until the NIGC receives the additional information.

11.3 If, within the 30 day period described in subsection 11.1 above, the NIGC provides the Tribe with a statement itemizing objections to the issuance of a gaming license to a Key Employee or to a Primary Management Official applicant, the Tribe shall reconsider the application, taking into account the objections itemized by the NIGC. The Tribe shall make the final decision whether to issue a gaming license to such applicant.

SECTION 12 GAMING LICENSE SUSPENSION

12.1 If, after the issuance of a gaming license, the Tribe receives from the NIGC reliable information indicating that a Key Employee or a Primary Management Official is not eligible for employment under this Ordinance, the Tribe shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

12.2 The Tribe shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license according to its internal policies and procedures.

12.3 After a revocation hearing, the Tribe shall decide to revoke or reinstate a gaming license. The Tribe shall notify the NIGC of its decision within 45 days of receiving from the NIGC the notification referenced in subsection 12.1.

SECTION 13 FACILITY LICENSES

13.1 The Tribe shall issue a separate facility license for each and every place, operation, or location on Indian lands where Class II or Class III gaming authorized under this Ordinance is conducted. At least every year after the initial issuance of a facility license, the Tribe shall renew the license to each place, operation, or location on Indian lands where Class II or Class III gaming authorized under this Ordinance is conducted.

13.2 The Tribe shall specify the form, conditions and content for the application for such licenses, which shall be submitted by the general manager of the gaming operation.

13.3 Within 30 days of issuing a renewed facility license, the Tribe shall submit to the NIGC a copy of the renewed license. Along with the renewed facility license, the Tribe shall submit to the NIGC:

(a) an attestation certifying that by issuing the license:

(i) the Tribe has identified and enforces the environmental, health, and public safety laws, resolutions, codes, policies standards or procedures applicable to the gaming operation;

(ii) the Tribe is in compliance with those laws, resolutions, codes, policies standards or procedures, or, if not in compliance, the Tribe will identify those with which it is not in compliance, and will adopt and submit its written plan for the specific action it will take, within a period not to exceed 6 months, required for compliance. At the successful completion such written plan, or at the expiration of the period allowed for completion, the Tribe shall report the status thereof to the NIGC. In the event the Tribe estimates that action for compliance will exceed 6 months, the NIGC must concur in such an extension of time, otherwise, the Tribe will be deemed non-compliant. The NIGC will consider the consequences on the environment and the public health and safety, as well as mitigation measures the Tribe may provide in the interim, in considering requests for extensions of time.

(iii) the Tribe is ensuring that the construction and maintenance of the gaming facility, and the operation of all gaming, is conducted in a manner which adequately protects the environment and the public health and safety.

(b) a document listing all laws, resolutions, codes, policies standards or procedures identified by the Tribe as applicable to its gaming facilities, other than federal laws, in the following areas:

(i) emergency preparedness, including but not limited to fire suppression, law enforcement and security;

(ii) food and potable water;

(iii) construction and maintenance;

(iv) hazardous materials;

(v) sanitation (both solid and wastewater); and

(vi) other environmental or public health and safety laws, resolutions, codes, policies standards or procedures adopted by the Tribe in light of climate, geography, and other local conditions and applicable to its gaming places, facilities and locations.

13.4 After the first submission of a document under paragraph (b) of this subsection, the Tribe may, in lieu of complying with that paragraph, certify to the NIGC that it has not substantially modified its laws protecting the environment and public health and safety.

SECTION 14 EFFECTIVE DATE/REPEAL

14.1 This Ordinance shall be effective immediately upon approval by appropriate governmental authority and, once approved, all previous gaming ordinances shall be repealed.

CERTIFICATION

As a duly-elected Tribal Council member of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 29th day May of, 2014 at which time a quorum of 6 FOR, 0 AGAINST, 1 ABSTAINED, and said ordinance has not been rescinded or amended in any form.

Nicholas [illegible] 5-29-14

Tribal Chairperson *Date*

ATTEST:

Kathleen [illegible] 5-29-14

Tribal Secretary *Date*

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RESOLUTION 2014-03(A)

SUBJECT: APPROVAL OF AMENDMENTS TO THE GAMING ORDINANCE.

WHEREAS, the Shingle Springs Band of Miwok Indians (the "Tribe") is a federally recognized Indian tribe eligible for the special programs and services provided by the United States to Indians because of their status as Indians and is recognized as possessing powers of self-government; and

WHEREAS, the Shingle Springs Tribal Council is the duly-elected governing body of the Tribe and is authorized to act on behalf of the Tribe; and

WHEREAS, the Tribe may engage in particular types of gaming on its Rancheria under the Indian Gaming Regulatory Act as a means to promote tribal economic development and self-sufficiency and to generally protect the health and welfare of its members (25 U.S.C. §2701 *et seq.*); and

WHEREAS, the Tribe, through its governmental entity the Shingle Springs Tribal Gaming Authority, is currently operating a gaming facility under the Gaming Ordinance ("Ordinance") passed by the Tribe in 1996; and

WHEREAS, the Tribal Council now desires to amend the Ordinance; and

WHEREAS, the Tribal Council submitted a revised Ordinance to the National Indian Gaming Commission ("NIGC") on January 17, 2014; during the review process the NIGC requested that the Tribe withdraw the Ordinance from review so that the Tribe could make additional changes to the Ordinance; and

WHEREAS, the Tribal Council has made the NIGC's requested changes and the Tribal Council has reviewed the attached revised and amended Ordinance and has determined that it is consistent with the Tribe's goals and obligations; and

WHEREAS, the Tribal Council desires to submit the revised Ordinance to the NIGC for approval and publication in the Federal Register.

NOW THEREFORE, BE IT RESOLVED that the Tribal Council hereby approves the attached amended "Gaming Ordinance" and authorizes the Chairman or his designee to execute any and all documents and agreements necessary as may be required to give effect to the transaction, herein contemplated, and to take such other actions as may hereby be necessary and appropriate to carry out the obligations thereunder.

BE IT FURTHER RESOLVED that this resolution will take effect immediately.

CERTIFICATION

As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 29th day of May, 2014 at which time a quorum of 7 *was present, this resolution was duly adopted by a vote of* 6 *FOR,* 0 *AGAINST,* 1 *ABSTAINED, and said resolution has not been rescinded or amended in any form.*

Nicholas [signature] 5-29-14

Chairperson Date

ATTEST:

Kathleen A. [signature] 5-29-14

Secretary Date