



## **SHINGLE SPRINGS BAND OF MIWOK INDIANS**

Shingle Springs Rancheria (Verona) Tract, California  
5281 Honpie Road, Placerville, CA 95667  
P.O. Box 1340; Shingle Springs, CA 95682  
(530) 676-8010; Fax (530) 387-8012

### **Tribal Gaming Facility Standards Ordinance**

#### **Section 1. Authority and Short Title.**

This Ordinance has been duly enacted by the Tribal Council of the Shingle Springs Band of Miwok Indians (“Tribe”) pursuant to authority granted in Article VI, Section 1.i of the Shingle Springs Rancheria Articles of Association, and may be referred to as the “Shingle Springs Tribal Gaming Facility Standards Ordinance.”

#### **Section 2. Findings and Purpose.**

The Shingle Springs Band of Miwok Indians is a federally-recognized Indian tribe conducting gaming activities pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. Section 2700, *et seq.* and in accordance with the Gaming Compact between the Tribe and the State of California originally executed on September 10, 1999 and subsequently amended on September 25, 2008 (hereinafter “Amended Compact”) and on July 23, 2013 (hereinafter “Amended and Restated Compact”).

The purpose of this Ordinance is to address the various standards, laws, and regulations required by the tribal-state compact in Section 12.3 and 12.4 of the Compact. Specifically, 2013 Amended and Restated Compact at Section 12.3 and 12.4 require the Tribe to adopt and comply with various standards; including, health, food, and beverage standards; water quality and safe drinking water standards; building and safety standards; federal workplace and occupational health and safety standards including the Fair Labor Standards Act; to comply with tribal codes; state laws regarding gratuitous or reduced price alcoholic beverage or food or lodging; workers compensation system; and IRS reporting requirements and Bank Secrecy Act standards.

The Compact requires that if the Tribe fails to adopt tribal or applicable federal standards described above, the State statute or regulation will become the applicable standard by default.

#### **Section 3. Scope.**

The scope of application of this Ordinance shall be limited to the Gaming Operation or any other Class III gaming facility operated under any Class III gaming compact between the Tribe and the State of California.

#### **Section 4. Definitions.**

(A) "Gaming Operation" shall mean the Tribe's casino facility and its operation.

(B) "Tribal Council" shall mean the Shingle Springs Rancheria Tribal Council which is the duly-elected governing body of the Shingle Springs Band of Miwok Indians and is authorized to act on behalf of the Tribe.

(C) "Tribal Gaming Commission" shall mean the Shingle Springs Tribal Gaming Commission.

(D) "Tribe" shall mean the Shingle Springs Band of Miwok Indians, its departments and entities.

#### **Section 5. Public Health Standards for Food and Beverage Handling.**

Pursuant to Section 12.3 (a) of the Amended and Restated Compact, the Tribe will, at a minimum, adhere to State public health standards for food and beverage handling set forth in Title 3, 17, and 19 of the California Code of Regulations.

The Gaming Operation will allow inspection of food and beverage services by the State of California and El Dorado County health inspectors, during normal hours of operation of the Gaming Facility, to assess compliance with these standards, unless inspections are routinely made by an agency of the United State government to ensure compliance with equivalent standards of the Unites State Public Health Service. Any report or writing by any inspector shall be transmitted to the State Gaming Agency and the Tribal Gaming Commission within twenty-four (24) hours of its issuance to the Gaming Operation.

Nothing herein shall be construed as a submission of the Tribe to the jurisdiction of the State or County health inspectors, but an alleged violation of the standards shall be treated as alleged violations of the Amended and Restated Compact.

#### **Section 6. Federal Water Quality and Safe Drinking Water Standards.**

Pursuant to Section 12.3 (b) of the Amended and Restated Compact, the Tribe will, at a minimum, adhere to federal water quality and safe drinking water standards applicable in California set forth in Title 40 of the United States Code of Federal Regulations and as adopted by the California Environmental Protection Agency and the California Code of Regulations.

Nothing herein shall be construed as a submission of the Tribe to the jurisdiction of the State or County health inspectors.

## **Section 7. Building and Safety Standards**

Pursuant to Section 12.3(c) and 6.4.2 of the Amended and Restated Compact the Gaming Facility will, at a minimum, comply with all applicable codes. Any modifications or expansions made to the Gaming Facility, shall meet or exceed the Applicable Codes.

## **Section 8. Federal Workplace and Occupational Health and Safety Standards.**

Pursuant to Section 12.3 (d) of the Amended and Restated Compact, the Tribe will, at a minimum, adhere to federal workplace and occupational health and safety standards including, but not limited to, 25 CFR 1910, 1200; 41 CFR 60; 29 CFR 525.14, 825.300, 825.402.

Nothing herein shall be construed as a submission of the Tribe to the jurisdiction of those State or County health inspectors, but any alleged violations of the standards shall be treated as an alleged violation of the Compact.

## **Section 9. Public Health and Safety Compliance.**

Pursuant to Section 12.3 (e) of the Amended and Restated Compact, the Tribe will adopt and comply with tribal codes to the extent consistent with provision of the Amended and Restated Compact and other applicable federal law regarding public health and safety.

Nothing herein shall be construed as a submission of the Tribe to the jurisdiction of the State or County health inspectors.

## **Section 10. Alcoholic Beverages, Food, or Lodging Incentive or Enticement.**

In compliance with Section 12.3 (h) of the Amended and Restated Compact, the Tribe has obtained a liquor license from the Alcoholic Beverage Control Board and will comply with State laws, if any, prohibiting a gaming enterprise from providing, allowing, contracting to provide, or arranging to provide alcoholic beverages for no charge or at reduced prices at the Gaming Operation as an incentive or enticement. There is currently no state law prohibiting a gaming operation from providing food or lodging at no charge or for reduced prices at the Gaming Operation.

## **Section 11. IRS Reporting Requirements and Bank Secrecy Act.**

Pursuant to Section 12.3 (j) of the Amended and Restated Compact, the Tribe adopts all provisions of the Bank Secrecy Act, P.L. 91-508, October 26, 1970, 31 U.S.C. Sec. 5311-5314, as amended, and all reporting requirements of the Internal Revenue Service, insofar as such provisions and reporting requirements are applicable to the Gaming Operation.

**Section 12. Fair Labor Standards Act.**

Pursuant to Section 12.3 (k) of the Amended and Restated Compact, the Tribe will at a minimum, adhere to the standards of the Fair Labor Standards Act set forth in 29 U.S.C. Section 201, et. seq., and the United States Department of Labor regulations implementing the Fair Labor Standards Act set forth in 29 C.F.R. Section 500, et seq.

**Section 13. Severability.**

If any clause, sentence, paragraph, section, or part of this Ordinance shall, for any reason be adjudicated by any Court of competent jurisdiction, to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which the judgment shall have been rendered.

**Section 14. Sovereign Immunity.**

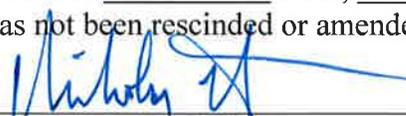
Nothing in this Ordinance shall be deemed to waive the sovereign immunity of the Tribe or any of its enterprises, officers, agents, or employees.

**Section 15. Effective Date, Amendment.**

This Ordinance shall be effective upon execution. This Ordinance may be amended only in writing and after approval of the Tribal Council.

**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 15th day of August, 2013 at which time a quorum of 7 was present, this policy was duly adopted by a vote of 7 FOR, 0 AGAINST, 0 ABSTAINED, and said policy has not been rescinded or amended in any form.

  
\_\_\_\_\_  
Tribal Council Chairperson

\_\_\_\_\_  
August 15, 2013  
Date

ATTEST

  
\_\_\_\_\_  
Tribal Council Secretary

\_\_\_\_\_  
August 15, 2013  
Date



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(530) 676-8010 Office; (530) 676-8033 Fax

### **RESOLUTION 2013-42**

#### **SUBJECT: APPROVAL OF AMENDMENTS TO THE TRIBAL GAMING FACILITY STANDARDS 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**, on July 23, 2013 the Amended and Restated Gaming Compact ( the “Compact”) between the Tribe and the State of California was approved; and

**WHEREAS**, Sections 12.3 and 12.4 of the Compact require the Tribe to adopt various standards, in the form of an ordinance, to which the Gaming Operation will be held; and

**WHEREAS**, the Tribe adopted the Gaming Operations Standards Ordinance on October 23, 2008; and

**WHEREAS**, the Tribe desires to update the Gaming Operation Standards Ordinance in order to comply with sections 12.3 and 12.4 of the Compact; and

**WHEREAS**, the Tribe also desires to change the name of the Ordinance, correct Compact section numbers and insert additional public health standards; and

**WHEREAS**, the Tribal Council has reviewed the amendments to the Tribal Gaming Facility Standards Ordinance, a copy of which is attached, and has found adoption of the amendments necessary in order to comply with the Compact.

**NOW THEREFORE, BE IT RESOLVED** that the Tribal Council hereby enacts and adopts the attached amended “Tribal Gaming Facility Standards Ordinance,” as an Ordinance of the Tribe,

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 transactions, herein contemplated, and to take such other actions as may hereby be necessary and appropriate to carry out the obligations there under; and

**BE IT FURTHER RESOLVED**, that by adopting Amendments to the Tribal Gaming Facility Standards Ordinance, the Tribe does not in any way waive its sovereign immunity with respect to the application of any state or federal laws or regulations that otherwise would not apply; and

**BE IT FURTHER RESOLVED**, that this resolution shall 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 15th day of August, 2013 at which time a quorum of 7 was present, this resolution was duly adopted by a vote of 7 FOR, 0 AGAINST, 0 ABSTAINED, and said resolution has not been rescinded or amended in any form.*

  
\_\_\_\_\_  
Tribal Council Chairperson

8-15-13  
\_\_\_\_\_  
Date

ATTEST:

  
\_\_\_\_\_  
Tribal Council Secretary

8-15-13  
\_\_\_\_\_  
Date