



June 15, 2016

Chairman Michael Hunter
Coyote Valley Tribal Council
P.O. Box 39
Redwood Valley, California 95470

Re: Coyote Valley Band of Pomo Indians' Amended Gaming Ordinance;
Tribal Council Resolution No. CV-TC-05-18-16-01

Dear Chairman Hunter:

I am writing in response to your letter, dated May 19, 2016, and received by the National Indian Gaming Commission on May 31, 2016. In your letter, you ask for review and approval of amendments to the Coyote Valley Band of Pomo Indians' Gaming Ordinance ("Ordinance"). As you explained in an earlier letter to the NIGC, dated June 11, 2015, these amendments bring the Tribe's existing Ordinance into full compliance with its Gaming Compact with the State of California. The amendments also clarify and modernize the Ordinance, which had been approved by NIGC Chairman Montie Deer on November 26, 2001.

Thank you for submitting the amendments to your Ordinance for our review and approval. The Tribe's Amended Gaming Ordinance is approved as it is consistent with the Indian Gaming Regulatory Act and the NIGC regulations. If you have any questions concerning this letter or the NIGC's ordinance amendment review process, please contact Staff Attorney Katherine Zebell at (202) 632-7003.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonodev O. Chaudhuri".

Jonodev O. Chaudhuri
Chairman

cc: Little Fawn Boland, Esq.
Ceiba Legal, LLP



COYOTE VALLEY

— *Band of Pomo Indians* —

COYOTE VALLEY BAND OF POMO INDIANS TRIBAL COUNCIL

RESOLUTION NO. CV-TC-05-18-16-01

A RESOLUTION OF THE COYOTE VALLEY BAND OF POMO INDIANS TO RESUBMIT ITS AMENDED GAMING ORDINANCE TO THE NIGC FOR APPROVAL.

WHEREAS, the Coyote Valley Band of Pomo Indians of California ("Tribe") is a federally recognized Indian Tribe, recognized by the United States of America through the Secretary of the Interior as a sovereign Indian Tribe possessed with inherent powers of tribal self-government; and

WHEREAS, among the powers of inherent sovereignty vested in the Coyote Valley Band of Pomo Indians General Council is the power to determine its own form of government, interpret its own laws and be governed by those laws; and

WHEREAS, on October 4, 1980, the General Council enacted the Document Embodying the Laws, Customs and Traditions of the Coyote Valley Band of Pomo Indians ("Tribal Constitution") to serve as the governing document of the Tribe; and

WHEREAS, under Article VI, Section 1, the General Council elects a Tribal Council to serve as the Tribe's governing body concurrent with the General Council; and

WHEREAS, the Tribal Council exercises, concurrently with the General Council, all powers delegated to it by the General Council in Article VII of the Tribal Constitution and otherwise vested in the Tribal Council by the Tribal Constitution; and

WHEREAS, Article VII, Section 1, Subpart (n) of the Tribal Constitution states that the General Council delegated to the Tribal Council the power to enact laws on behalf of the Tribe; and

WHEREAS, the Tribal Council approved certain amendments to Ordinance No. 94, *An Ordinance of the Coyote Valley Band of Pomo Indians Authorizing and Regulating Gaming on the Coyote Valley Reservation* ("**Gaming Ordinance**") on June 4, 2015 by Resolution No. CV-TC-06-04-15-02 and submitted those amendments to the National Indian Gaming Commission ("**NIGC**") for review and approval; and

WHEREAS, the NIGC informed the Tribal Council that technical edits to the amended Gaming Ordinance are necessary in order for NIGC to approve the amended Gaming Ordinance; and

WHEREAS, the Tribal Council agreed to withdraw the previously amended Gaming Ordinance from further consideration by the NIGC by Resolution No. CV-TC-06-04-15-02 and directed its

legal counsel to make further edits, with the guidance of the NIGC which were made and it was then resubmitted on December 3, 2015 by Resolution CV-TC-12-03-15-01 and then withdrawn again on March 3, 2016 by Resolution CV-TC-03-03-16-02; and

WHEREAS, the Tribal Council determined that the edits suggested by the NIGC are in the best interest of the Tribe; and

WHEREAS, the NIGC contacted the Coyote Valley Band of Pomo Indians on May 17, 2016 and suggested that the Tribe now resubmit the amended Gaming Ordinance for approval; and

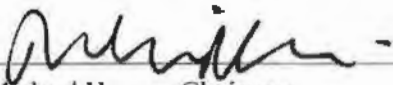
NOW THEREFORE BE IT RESOLVED that the Tribal Council hereby approves the amended Gaming Ordinance in substantially similar form to the attached hereto as Exhibit A.


AND BE IT FURTHER RESOLVED that the Tribal Council hereby authorizes the resubmission of the amended Gaming Ordinance to the NIGC for its approval.

AND BE IT FURTHER RESOLVED that the certification below certifies this resolution as authentic per the requirements of 25 CFR 522.2(a).

CERTIFICATION

This is to certify that the foregoing resolution and action was approved by the Coyote Valley Band of Pomo Indians Tribal Council at a duly noticed and convened meeting held on May 19, 2016, and was approved by a vote of 7 For 0 Against with 0 Abstaining, and that this resolution has not been amended or rescinded in any way.


Michael Hunter, Chairman
Coyote Valley Tribal Council


Candace Gonzalez, Secretary
Coyote Valley Tribal Council

ORDINANCE NO. 94-_____

COYOTE VALLEY GAMING ORDINANCE

(As Adopted on November 7, 1994 and Amended on September 24, 2001 by Resolution No. C.V. 01-44 and Amended on _____ by Resolution No. _____)

The Coyote Valley Band of Pomo Indians (“Tribe” or “Tribal”), a federally recognized Indian tribe, is the beneficial owner of all lands held in trust for the Tribe by the United States. Acting through its Tribal Council in the exercise of its inherent sovereign power to enact ordinances and otherwise safeguard and provide for the health, safety and welfare of the members of the Tribe and to protect and govern over the Tribe’s Indian lands as defined by 25 U.S.C. § 2703 (“Indian Lands”), the Tribe hereby enacts this ordinance which shall hereinafter be cited as the Coyote Valley Gaming Ordinance (“Ordinance”). This Ordinance and any regulations promulgated thereunder shall constitute the entire Gaming regulations for the Tribe.

Section 1. Findings and Policy.

This Ordinance is adopted by the Tribal Council, pursuant to its authority granted under the Tribe’s Constitution, for the purpose of establishing the terms for Gaming on the Tribe’s Indian Lands for Tribal and general welfare purposes, and to develop, operate, and regulate such Gaming consistent with the findings herein and in conformity with the federal Indian Gaming Regulatory Act (25 U.S.C. § 2701 et seq. (“IGRA”)) and regulations promulgated thereunder.

The Tribe finds that:

- a. Gaming on its Indian Lands is a valuable means of generating revenues that are needed for economic development, to promote tribal self-sufficiency, economic development, employment, job training, and a strong tribal government, and to fund and ensure essential social programs and services;
- b. The Tribe desires to conduct certain forms of Gaming to provide needed revenues to the Tribe, and to regulate and control such Gaming in a manner that will protect the environment, the Tribe’s Indian Lands, the health, security and general welfare of the Tribe, the patrons, and the community; and
- c. The Tribe desires to regulate all Gaming on its Indian lands in a manner that will adequately address the special interests and needs of the Tribe.

Section 2. Ownership of Gaming.

- a. The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any Class III Gaming Operation, and / or Gaming Facilities authorized by this Ordinance, except to the extent the Tribe may contract with and license a person or

entity to, operate or manage the enterprise pursuant to the provisions of IGRA and the regulations promulgated thereunder, or as otherwise permitted by law.

- b. The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any Class II Gaming Operation and / or Gaming Facilities authorized by this Ordinance, except to the extent the Tribe may contract with and license a person or entity to, operate or manage the enterprise pursuant to the provisions of IGRA and the regulations promulgated thereunder, or as otherwise permitted by law, or if the Tribe chooses to allow individually owned Class II Gaming.
- c. If the Tribe chooses to allow individually owned Class II Gaming, then the following requirements must be met:
 - (1) The individually owned Class II Gaming Operation must be licensed and regulated under the Tribe's Gaming Ordinance;
 - (2) Not less than sixty percent (60%) of the net revenues of the individually owned Class II Gaming Operation must be income to the Tribe;
 - (3) The income to the Tribe from an individually owned Class II Gaming operation must be used only for the purposes listed in Section 6(b) of this Ordinance;
 - (4) The individual owner must pay an assessment to the National Indian Gaming Commission under 25 C.F.R. § 514.1;
 - (5) The individually owned Class II Gaming Operation shall be subject to licensing standards that are as least as restrictive as those established by State law governing similar Gaming within the jurisdiction of California; and
 - (6) Any person or entity that would not be eligible to receive a California license to conduct the same Gaming activities within the jurisdiction of California shall be denied a Gaming License by the Tribe; and
 - (7) California law standards shall apply with respect to purpose, entity, pot limits and hours of operation.

Section 3. Definitions.

Unless specified otherwise, the terms used herein shall have the same meaning as in IGRA, including but not limited to references to "Net Revenues," "Class I," "Class II," and "Class III" Gaming, and except for references to "Commissioners," "Commission," or "Gaming Commission," which shall mean the Coyote Valley Gaming Commission or its Commissioners, established and described herein.

- a. "Amended Compact" shall mean the Amended Tribal-State Gaming Compact between the Coyote Valley Band of Pomo Indians and the State of California as approved on December 28, 2012, or as subsequently amended.
- b. "Barred Person" shall mean a person permanently excluded from the Casino because they pose a threat to the integrity of the Gaming Activities of the Tribe or to the

integrity of regulated Gaming within the State, due to their past behavior, criminal history, or association with persons or organizations.

- c. "Closely Associated Independent Contractor" shall mean any contractor that shares common ownership, officers or directors with any management principal or person related thereto.
- d. "Gaming" shall mean an activity in which a person stakes or risks something of value on the outcome of a contest of chance or a future contingent event, not under his or her control or influence, upon an agreement or understanding that the person, or someone else, will receive something of value in the event of a certain outcome, but shall not include bona fide business transactions.
- e. "Gaming Activities" shall mean any Class I, Class II, or Class III Gaming Activity conducted by or under the jurisdiction of the Tribe.
- f. "Gaming Commission" shall mean the Coyote Valley Gaming Commission, as established herein to monitor the Gaming Activities, investigate wrongdoing, conduct background investigations, issue licenses, and perform other duties as required for the regulation of Gaming on the Tribe's Indian Lands.
- g. "Gaming Contractor" shall mean any person or entity that supplies Gaming devices or other Gaming equipment, personnel, or services (including Gaming management or consulting services) to any Gaming Activity or enterprise.
- h. "Gaming Employee" shall mean any natural person who (a) conducts, operates, maintains, repairs, accounts for, or assists in any Gaming Activities, or is in any way responsible for supervising such Gaming Activities or persons who conduct, operate, maintain, repair, account for, or supervise any such Gaming Activities; (b) is in a category under federal or tribal Gaming law requiring licensing; (c) is an employee of the Gaming Commission with access to confidential information; or (d) is a person whose employment duties require or authorize access to areas of the Gaming Facility in which Gaming Activities are conducted that are not open to the public.
- i. "Gaming Enterprise" shall mean any Gaming business, event, enterprise or activity conducted by or under the jurisdiction of the Tribe and shall have the same meaning as "Gaming Operation."
- j. "Gaming Facility" shall mean each physical location where Gaming Activities occur and which is licensed by the Gaming Commission.
- k. "Gaming Operating Expense" shall mean any expense associated with the operation of the Gaming Enterprise.
- l. "Indian Lands" shall mean the Tribe's lands meeting the definition of 25 U.S.C. § 2703.

- m. "Key Employee" shall mean a person who performs one or more of the following functions: bingo caller, counting room supervisor, chief of security, custodian of Gaming supplies or cash, floor manager, pit boss, dealer, croupier, approver of credit, or custodian of Gaming devices including those persons with access to cash and accounting records within such devices. If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year, and the four (4) most highly compensated persons in the Gaming Enterprise are included in the definition of Key Employees. At the discretion of the Gaming Commission, other positions or persons may be included under and subject to the requirements for Key Employees.
- n. "National Indian Gaming Commission" ("NIGC") shall mean the commission established under IGRA.
- o. "Net Revenues" shall mean gross Gaming revenues from all Gaming Activities of a Gaming Enterprise, less amounts paid out as, or paid for, prizes and less total Gaming-related operating expenses, excluding management fees.
- p. "Notice of Results" shall have the meaning set forth in Section 10(1)(2).
- q. "Person" shall mean any natural person or entity, including but not limited to corporations, partnerships and trusts.
- r. "Primary Management Official" shall mean a person who has management responsibility for a management contract; any person who has authority to hire and fire employees or to set up working policy for the Gaming Enterprise; or the chief financial officer or other person who has financial management responsibility. At the discretion of the Gaming Commission, other positions or persons may be included under and subject to the requirements for Primary Management Officials.
- s. "Related to" shall refer to persons who are related as a father, mother, sister or brother.
- t. "Reservation" shall mean the Tribe's lands meeting the definition of 25 C.F.R. § 292.2.
- u. "State" shall mean the State of California.
- v. "State Gaming Agency" shall mean the entity or entities authorized by the State to investigate, approve, regulate and license Gaming pursuant to the California Gambling Control Act, or any successor statutory scheme, and any entity or entities in which that authority may hereafter be vested.
- w. "Tribal Constitution" shall mean the Document Embodying the Laws, Customs and Traditions of the Coyote Valley Band of Pomo Indians.
- x. "Tribal Corporation" shall mean any corporation wholly owned by the Tribe to which the Tribal Council has delegated managerial authority or transferred ownership over the

Gaming Enterprise, including, but not limited to, the Coyote Economic Development Corporation (“CEDCO”) or a subsidiary thereof.

- y. “Tribal Council” shall mean the Coyote Valley Tribal Council, the representative governing body of the Tribe, as set forth in the Tribe’s Constitution.
- z. “Tribal Court” shall mean any court established by the Tribe to hear disputes arising out of this Ordinance or, if there is none that can exercise jurisdiction, then the Coyote Valley Tribal Council.
- aa. “Tribal Member” shall mean any duly enrolled member of the Tribe.

Section 4. Gaming Commission.

- a. Establishment of Gaming Commission. There is established by the Tribe a Commission, acting under the authority of the Tribe, to be known as the Coyote Valley Gaming Commission. The Gaming Commission shall be comprised of three (3) persons (“Commissioners”) who would themselves qualify for licensing under this Ordinance, and shall be appointed by the Coyote Valley Tribal Council.
- b. Disqualifications for Office. The following persons shall not serve as Commissioners:
 - (1) Employees of any Gaming Enterprise within the Tribe’s Indian Lands;
 - (2) Gaming Contractors or Persons related to any Gaming Contractor (including any principal thereof or Closely Associated Independent Contractor);
 - (3) Persons who would not be eligible to be officers of the Tribe pursuant to the Tribe’s Constitution;
 - (4) No members of the Coyote Valley Tribal Council may serve on the Gaming Commission;
 - (5) Persons who would not be licensable to serve as Key Employees or Primary Management Officials.
- c. Terms of Office. All members of the Gaming Commission shall be appointed for staggered terms of three (3) years by the Tribal Chairperson and subject to the approval of the Tribal Council.
- d. Removal from Office. Commissioners may only be removed from office before the expiration of their terms by the Tribal Council for neglect of duty, misconduct, malfeasance, or other acts that would render such persons unqualified for his/her position or for licensure hereunder. An affirmative vote of at least five (5) members of the Tribal Council, taken in an open meeting after a duly noticed hearing at which the

Commissioner charged with misconduct shall have the right to hear and present evidence concerning his/her removal, shall be required to remove a member of the Commission. At the request of the Commissioner whose removal is at issue, the hearing may be held in executive session. The Tribal Council also may elect to receive in executive session any evidence, public disclosure of which might compromise any on-going law enforcement investigation. Any allegations of neglect of duty, misconduct, malfeasance, or other acts that would render the Commissioner unqualified for his or her position must be substantiated by a preponderance of the evidence (more likely than not). A Commissioner shall be given a reasonable opportunity to provide evidence rebutting the grounds for his or her removal before the removal is final. A wrongful removal shall entitle the affected Commissioner to compensation for expenses incurred in an appeal and any pay withheld.

- e. Quorum. A majority of the Commissioners of the Gaming Commission shall constitute a quorum.
- f. Officers and Duties. The Gaming Commission shall elect, by majority vote, a Chairperson, Vice-Chairperson and Secretary. Elections for Chairperson, Vice-Chairperson and Secretary shall take place each time a Commissioner is newly appointed or reappointed by the Tribal Council. The Chairperson shall preside over meetings of the Gaming Commission and the Vice-Chairperson shall preside in the absence of the Chairperson. The Secretary shall record in writing the minutes of all Gaming Commission meetings and all official actions taken by the Gaming Commission.
- g. Voting. All actions of the Gaming Commission shall be taken by majority vote while a quorum exists. The Commission Chairperson may vote on any issue.
- h. Meetings. Meetings shall be held at least once per month, on the second Tuesday of the month at the Gaming Commission office or other location within the Tribe's Indian Lands chosen by the Gaming Commission. Additional meetings may be held as called by the Chairperson or by at least two (2) other Commissioners. Notice of meetings shall be given in writing to each Commissioner. Meetings may be called at any time, by any means, with unanimous consent of the Commissioners.
- i. Compensation for Serving. The Tribal Council shall determine and authorize the compensation to be paid to Commissioners based on a determination of time required to be expended for Commission duties and the qualifications of the appointed Commissioners.

j. Powers and Duties.

The Gaming Commission shall have the power and duty to:

- (1) Inspect, examine and monitor Gaming Activities, including the power to demand access to and inspect, examine, photocopy and audit all papers, books and records respecting such Gaming Activities;
- (2) Investigate any suspicion of wrongdoing in connection with any Gaming Activities;
- (3) Conduct, or cause to be conducted, such investigations as may be necessary to determine in connection with any Gaming Activities, compliance with law or this Ordinance or any contracts, agreements, goods, services, events, incidents, or other matters related to Gaming Activities;
- (4) Conduct, or cause to be conducted, background investigations regarding any person in any way connected with any Gaming Activities and issue licenses to, at minimum, all Key Employees and Primary Management Officials according to requirements at least as stringent as those in 25 C.F.R. parts 556 and 558;
- (5) Hold such hearings, sit and act at such times and places, summon persons within the Tribe's Indian Lands to attend and testify at such hearings, take such testimony, and receive such evidence as the Gaming Commission deems relevant in fulfilling its duties;
- (6) Administer oaths or affirmations to witnesses appearing before the Gaming Commission;
- (7) Implement and administer a system for investigating, licensing and monitoring employees and others connected with Gaming Activities, as described below, including the issuance of licenses to Gaming Facilities, individuals and entities as required under this Ordinance and the IGRA;
- (8) Hear disputes against the Gaming Enterprise, in accordance with the procedures established in this Ordinance;
- (9) Subject to the approval of the Tribal Council and the appropriation of funds therefor, to employ such staff and support services as reasonably required to fulfill its responsibilities under this Ordinance; compensation of such employees shall be limited to that which is comparable to compensation paid to persons performing similar duties in other governmental Gaming regulatory agencies;

- (10) To the extent required, comply with any reporting requirements established under a tribal-state compact to which the Tribe is a party and other applicable law, including the IGRA;
- (11) Promulgate and issue such regulations as it deems appropriate, subject to review and approval by the Tribal Council, in order to implement and enforce the provisions of this Ordinance including, but not limited to, adopting rules of procedure governing how its meetings will be conducted;
- (12) Promulgate regulations, subject to review and approval by the Tribal Council, to describe and establish rules for each Class II or Class III games authorized to be conducted within the Tribe's Indian Lands, and to ensure that no form of Gaming may be conducted within the Tribe's Indian Lands without the prior approval of the Gaming Commission; and
- (13) Carry out such other duties with respect to Gaming Activities within the Tribe's Indian Lands as the Tribal Council shall direct.
- (14) The Gaming Commission has clear authority to take enforcement actions, including the authority to suspend or revoke an individual license and may order the suspension or revocation of credit card or purchase authority. To carry out its regulatory duties, the Gaming Commission has unrestricted access to all areas of the Gaming Operation and to all records.
- (15) The Gaming Commission is empowered to act independently and autonomously from the Tribal Council in all matters within its purview. No prior or subsequent review by the Tribal Council of any actions of the Gaming Commission is required except as otherwise explicitly provided in this Ordinance.
- (16) All members of the Gaming Commission shall attend 16 hours of regulatory, Gaming-related training each year.
- (17) The Tribe's Gaming Operation, or the Tribal Council or the governing body of a Tribal Corporation shall inform the Gaming Commission of any non-budgeted expenditure greater than \$500.00 that it intends to pay from the Tribe's Gaming Operation's accounts prior to making the expenditure. If within two business days the Gaming Commission determines that the expenditure is not a bona fide Gaming Operating Expense, then the Gaming Commission shall not permit the proposed expenditure and shall provide their decision in writing. If the Gaming Commission does not take action to deny the expenditure within the two

business days, the Tribe's Gaming Operation may proceed with the non-budgeted expenditure.

- (18) Establish and maintain a list of Barred Persons prohibited from entering the Gaming Facility who, because of their past behavior, criminal history, or association with persons or organizations, pose a threat to the integrity of the Gaming Activities of the Tribe or to the integrity of regulated Gaming within the State.
 - (19) Forward a list of all Gaming Employees to the State Gaming Agency on a monthly basis, including the Gaming Employees' names, badge identification numbers (if any), and job titles.
- k. Annual Reports. On or before April 30th of each year, the Gaming Commission shall provide to the Tribal Council an Annual Report summarizing its activities during the prior twelve (12) month period ending on December 31st, and accounting for all receipts and disbursements. The Tribal Council shall cause copies of the Annual Report to be made available to Tribal Members within thirty (30) days after receipt.
- l. Other Reporting Requirements. As required, the Gaming Commission shall comply with any reporting requirements established under the Amended Compact to which the Tribe is a party, and other applicable law, including the IGRA and regulations promulgated thereunder.
- m. Prohibitions.
- (1) Members of the Gaming Commission, the Tribal Council, and the governing body of a Tribal Corporation are prohibited from gambling in the Casino.
 - (2) Members of the Gaming Commission, the Tribal Council, and the governing body of a Tribal Corporation are prohibited from accepting complimentary items valued at more than fifty dollars (\$50.00) from the Casino.

Section 5. Permitted Gaming Activities.

- a. Unauthorized Gaming Prohibited. All Gaming Activities within the Tribe's Indian Lands (whether Class I, II or III) are prohibited except as expressly authorized under this Ordinance.
- (1) Class I Gaming. Class I Gaming Activities are hereby permitted to the extent consistent with Tribal custom and practice. The Gaming Commission may prohibit and prevent any conduct which is claimed to be Class I Gaming if the Gaming Commission finds that such conduct is

not in accordance with Tribal customs or practices or violates IGRA or any other applicable federal, state or Tribal law.

- (2) Class II and Class III Gaming. Class II and Class III Gaming within the Tribe's Indian Lands is hereby authorized, provided the Tribe has the sole proprietary interest in and responsibility for the conduct of any Gaming enterprise, or to the extent the Tribe may contract with any licensed person or entity to own, operate or manage the enterprise pursuant to the provisions of IGRA or as otherwise permitted by law, or as otherwise permitted by Section 2 of this Ordinance. Nothing herein shall prohibit the Tribe from engaging the services of non-Tribal persons as employees thereof or engaging any person or entity to provide consulting or other technical assistance or to assist the Tribe in the management of Gaming Activities pursuant to a management agreement entered into under the provisions of IGRA. Class III Gaming shall be conducted in accordance with any tribal-state compact between the Tribe and the State, or any alternative thereto as provided by IGRA.

Section 6. Gaming Revenues.

- a. Tribal Property. Except as provided for under the terms of an agreement pursuant to the provisions of IGRA or as otherwise permitted by law, all revenues generated from any Class II or Class III Gaming Activities are the property of the Tribe. Any profits or net revenues from Gaming Activities shall be deposited into the Tribe's general treasury or such other account as the Tribe shall determine. Once becoming part of the treasury, such funds shall lose any identity as Gaming revenues except to the extent necessary to identify them as such in order to comply with applicable law. No Tribal Member shall be deemed to have any interest in such profits or net revenues, provided that the Tribal Council may adopt rules for distributing Gaming proceeds to Tribal Members on a per capita basis provided such plan meets the requirements of IGRA, 25 U.S.C. § 2710 (b)(3). Payments of the general treasury funds to Tribal Members for the promotion of general welfare under a governmental program of the Tribe, including but not limited to payments related to health, welfare, education, elderly care, and housing, shall not be deemed to be per capita payments.
- b. Use of Net Revenues. Net Revenues from Gaming Activities shall not be used for purposes other than:
 - (1) To fund tribal government operations or programs;
 - (2) To provide for the general welfare of the Tribe and its members;
 - (3) To promote economic development for the Tribe;
 - (4) To donate to charitable organizations; or

- (5) To help fund operations of local government agencies.

Section 7. Operation of Gaming Enterprises.

- d. Licensed Gaming Facilities. Except to the extent authorized by an agreement pursuant to the provisions of IGRA or as otherwise permitted by law and this Ordinance, Gaming Activities shall only be conducted in Tribally licensed Gaming Facilities pursuant to the provisions of this Ordinance. The Gaming Facilities shall be Tribally owned unless the Tribe chooses to allow individually owned Class II Gaming pursuant to Sections 2(b) and 2(c). Such Gaming Activities shall be conducted in accordance with the terms and conditions of any license issued by the Tribe for such purposes as to each Gaming Facility before any Gaming Activities may occur therein. Such licenses shall specify the hours of operation, type and scope of Gaming Activities allowed therein, permitted uses of the Gaming Facility for other activities, rules of conduct for employees and patrons, regulation of alcoholic beverages, food handling and entertainment, and such other matters as the Gaming Commission or the Tribal Council may deem necessary to the conduct of Gaming Activities therein.
- a. Protection of Environment and Public. Any construction or maintenance of any Gaming Facility, and the operation of Gaming therein, shall be conducted in a manner which adequately protects the environment and the public health and safety.
- b. Patron Dispute Resolution Regarding Alleged Compensable Injuries. Patrons who have claims against the Gaming Enterprise or against any management contractor which could constitute Compensable Injuries, as that term is defined in the Tort Claims Ordinance, shall have the right to file a petition for relief with the Gaming Commission and the patron's claims will be processed in conformity with the Tort Claims Ordinance.
- c. Patron Dispute Resolution Regarding Alleged Winnings and Cheating. Whenever any Gaming Operation or Gaming management contractor is accused by a patron of cheating at the playing of any game or any Gaming Operation or Gaming management contractor refuses payment of alleged winnings to a patron, and the general manager of that Gaming Operation and the patron are unable to resolve the dispute to the satisfaction of the patron and the dispute involves:
 - (1) Less than \$500 of alleged winnings: the general manager shall investigate the dispute and offer an appropriate resolution to the patron and shall notify the Gaming Commission of the dispute. The general manager shall also inform the patron of his or her right to request that the Gaming Commission conduct an investigation and the fact that the patron must request an investigation within seven (7) days of the alleged cheating or payment refund. Upon receipt of such a request, the Gaming Commission shall conduct whatever investigation it deems necessary and

shall determine within fifteen (15) days whether payment should be made; or

- (2) At least \$500 of alleged winnings: the general manager shall immediately notify the Gaming Commission, in writing. The Gaming Commission shall immediately conduct whatever investigation it deems necessary and shall determine, within fifteen (15) days of notification, whether a refund of the wager, in the event of cheating, or payment should be made.
- (3) If the dispute results from an equipment malfunction or violation of an operations procedure or Gaming Commission regulation, the general manager shall immediately correct the problem or disable the equipment to ensure that a similar problem does not occur in the future. In addition, the general manager shall notify the Gaming Commission within five (5) calendar days of the malfunction of the steps that were taken.
- (4) Patrons may obtain a complaint form at any time.
- (5) Patrons who have complaints against the Gaming Operation or disputes with any Gaming management contractor or its employees related to alleged winnings or cheating shall have the right to file a petition for relief with the Gaming Commission and the patron's complaints will be processed in conformity with Regulation 8, Patron Complaints.

Section 8. Annual Audits.

Annual outside auditing of each Gaming Activity by a recognized independent accounting firm shall be conducted and the results thereof reported to the Tribal Council, the State of California as required by the Amended Compact, and to the extent required by law, the Bureau of Indian Affairs and the NIGC.

Section 9. Contract Audit Requirements.

All contracts for supplies, services, or concessions for a contract amount in excess of \$25,000 annually (except contracts for professional legal or accounting services) relating to Class II or Class III Gaming within the Tribe's Indian Lands shall be subject to independent audits.

Section 10. Licenses.

- a. Licensing and Background Investigation Requirements. It is the declared policy of the Tribe that all Gaming Activities be licensed and controlled so as to protect the morals, good order and welfare of Tribal Members and other persons within the Tribe's Indian Lands and to preserve the honesty, fairness and integrity of such Gaming Activities. Accordingly, no person shall engage in any Class II or Class III Gaming Activities within the Tribe's Indian Lands without an appropriate and valid Class II or Class III

license issued by the Gaming Commission. Any license which is issued, or finding of eligibility or approval by the Gaming Commission, shall be deemed a privilege subject to suspension or revocation. No license shall be issued that would place the Tribe in violation of the IGRA, regulations promulgated thereunder or, as applicable, provisions of a tribal-state compact, or of any applicable law, including Tribal law.

- (1) Gaming Commissioners shall be subjected to a background investigation and deemed suitable by the Tribal Council before appointment to the Gaming Commission.
- (2) Gaming Commission employees shall be subjected to a background investigation and deemed suitable by the Gaming Commission before employment with the Gaming Commission.
- (3) For applicants who are business entities, the licensing provisions of this Ordinance shall apply to the entity as well as to:
 - (a) Each of its officers and directors;
 - (b) Each of its principal management employees, including any chief executive officer, chief financial officer, chief operating officer, and general manager;
 - (c) Each of its owners or partners, if an unincorporated business; and
 - (d) Each of its shareholders who owns more than ten (10%) of the shares of the corporation, if a corporation.
- (4) The licensing provisions of this Ordinance shall apply to each Financial Source as defined in Section 2.5 of the Amended Compact that, alone or in combination with others, has provided financing in connection with any Gaming Activities if that Financial Source provided more than ten percent (10%) of either start-up capital, or of a combination thereof, over a twelve (12) month period. The following entities are exempt from Financial Source licensing:
 - (a) A federally-regulated or state-regulated bank, savings and loan association, or other federally or state-regulated lending institution;
 - (b) An entity described in the California Gambling Control Commission's Uniform Tribal Gaming Regulation CGCC-2, subdivision (f), when that entity is a Financial Source solely by reason of being (i) a purchaser or a holder of debt securities issued directly or indirectly by the Tribe for a Gaming Enterprise or (ii) the owner of a participation interest in any amount of indebtedness for which a federally-regulated or state-regulated bank, savings and loan

association, or other federally or state-regulated lending institution is the creditor;

- (c) An investor who, alone or together with any persons controlling, controlled by or under common control with such investor, holds less than ten percent (10%) of all outstanding debt securities issued directly or indirectly by the Tribe for a Gaming Enterprise;
 - (d) An agency of a federal, state or local government providing financing, together with any person purchasing any debt securities of the governmental agency to provide such financing;
 - (e) An entity described in the California Gambling Control Commission's Uniform Tribal Gaming Regulation CGCC-2, subdivision (h); and
 - (f) A person or entity whose sole connection with a provision or extension of financing to the Tribe is to provide loan brokerage or debt servicing for a Financial Source at no cost to the Tribe or the Gaming Operation, provided that no portion of any financing provided is an extension of credit to the Tribe or the Gaming Operation by that person or entity.
- b. Applicant Claim of Privilege. An applicant may claim any privilege afforded by law in connection with a Gaming license application or investigation, but a claim of privilege with respect to any testimony or evidence pertaining thereto may constitute sufficient grounds for denial, suspension or revocation.
- c. Release of Information. All persons applying for a license shall agree to release the information necessary in order for the Gaming Commission to achieve its goals under this Ordinance, and to furnish such information to the Bureau of Indian Affairs, the NIGC, the State of California, or such other governmental agency as may be required by applicable law.
- d. Types of Licenses. Three classes of licenses (Class A, Class B, and Class C) shall be issued to persons and entities associated with Gaming Activities.
- (1) Class A Licenses. Before permitting any person to become permanently associated with any Gaming Activities as an investor, management entity, or other person owning or controlling ten percent (10%) or more of any interest in any management entity, or any Primary Management Official, Key Employee, Closely Associated Independent Contractor, or other individual or entity with significant influence over the management or operation of the Gaming Operation, or a Class II or III Gaming Employee, supplier, manufacturer or distributor, such person shall obtain

a Class A license. The Gaming Commission shall conduct or cause to be conducted a background investigation to determine if such person has:

- (a) Any criminal record or any reputation, prior activities, habits or associations which might pose a threat to the public interest or to the effective regulation of Gaming.
 - (b) Anything else in their background which might create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of Gaming.
- (2) Class B Licenses. Persons who are not among those identified in subsection (1) above, but are to be employed at a Gaming Facility within the Tribe's Indian Lands in some other capacity, such as in non-Gaming related activities, shall be required to obtain a Class B license from the Gaming Commission. Such persons must establish that they have not engaged in any activity or been convicted of a crime which the Gaming Commission, in its sole discretion, deems would render such person a danger to the safety or integrity of the Gaming Activities or the safety or property of the Tribe, any Tribal Member, any Gaming Employee or patron, or the public.
- (3) Class C Licenses. Minors (persons under 21 years of age) employed at a Gaming Facility within the Tribe's Indian Lands may be issued a Class C license, which will entitle them to work in any position for which a Class B license is required for adults and not otherwise prohibited by law, provided such minors are not deemed by the Gaming Commission to pose any threat to the safety or integrity of the Gaming Activities or the safety or property of the Tribe, any Tribal Member, any Gaming Employee or patron, or the public. The Class C license shall be valid for no more than six (6) months before renewal, and shall be revoked upon the minor's reaching the age of 21, at which time a Class A or B license, as may be appropriate, will be required. Minors shall not be employed as dealers or otherwise to operate or supervise the operations of games, or to serve liquor. Minors with Class C licenses are prohibited from being present on the Gaming floor at all times, unless they are en route to a non-Gaming area.
- e. License Renewal. Class A and Class B licenses shall be subject to renewal at least every two (2) years, and may be revoked or suspended upon the occurrence of any act which, if known during the application process, would have tended to disqualify such person for such a license.
- f. Temporary Licenses. Pending completion of an investigation for a license, temporary licenses of no more than ninety (90) days duration may be issued by the Gaming Commission if in its sole discretion it deems it appropriate to do so after conducting a

satisfactory preliminary background investigation. Such licenses shall permit the licensee to engage in such activities and pursuant to such terms and conditions as may be specified by the Gaming Commission. Such temporary licenses shall expire ninety (90) days from date of issuance, upon issuance of a regular license, or until an earlier specified expiration date, whichever occurs first.

- g. License Investigations. The Gaming Commission may employ all reasonable means, including the engagement of outside services and investigators and the holding of hearings, to acquire the information necessary to determine whether or not a license should be issued. Applicants shall also agree to release the information necessary in order for the Gaming Commission to achieve its goals under this section and to furnish such information to the Bureau of Indian Affairs, the NIGC, or such other agency as may be required by law.
- h. License Fees. Unless specifically waived by the Gaming Commission, all license applicants shall be required to pay all applicable license fees and costs when due, including a reasonable deposit for costs incurred in obtaining information in connection with the license application. Estimates of licensing costs shall be provided to applicants upon reasonable request. Payment for all reasonable fees and costs must be received by the Gaming Commission prior to issuance of the license, except for Gaming Employee license fees, which may be paid in installments through payroll deduction. Tribal Members are exempt from all license fees.
- i. Appeals. All decisions of the Gaming Commission regarding the issuance or revocation of licenses shall be effective when issued. An applicant or licensee whose license is denied, revoked or suspended may, within thirty (30) days after the date of receipt of a written decision of the Gaming Commission, file a petition with the Gaming Commission requesting a hearing to reconsider the decision, and shall have the right to appeal such decision to the Tribal Council in accordance with such rules and regulations as may be promulgated by the Tribal Council for that purpose. Any Tribal Member who is denied a license by the Gaming Commission may, within sixty (60) days of written notice of such denial, appeal the denial to the Gaming Commission, which shall have the power to reverse its prior decision and order that a license be issued. The Tribal Member shall have the right to appeal the denial decision to the Tribal Council. If the Gaming Commission or Tribal Council reverses a prior licensure decision and issues a license to an applicant or licensee, such license shall not be issued for more than one (1) year, shall be subject to the renewal procedures set forth herein, and such reversal order and issuance of a license shall only be valid if to do so would not place the Tribe in violation of the Amended Compact or of any applicable law. The Tribal Council may, by resolution, delegate its duties described in this subsection to a Tribal Court.
- j. Background Investigations.
 - (1) For each Gaming Employee, Primary Management Official and Key Employee in its Gaming operation(s), the Gaming Commission is the designated law enforcement agency for performing background

investigations and collecting fingerprints. The Gaming Commission shall request from each Gaming Employee, Primary Management Official and each Key Employee all of the information specified in subsections (a) through (n) below. Further, each other applicant for a Class A license, except as provided otherwise by the Gaming Commission, shall also submit the information specified in (a) through (n) below. The Gaming Commission reserves the right, at any time, to request additional information either prior to, during, or subsequent to any background investigation.

- (a) Full name, other names used (oral or written), social security number(s), date of birth, place of birth, citizenship, gender, all languages (spoken or written);
- (b) Currently and for at least the previous ten (10) years: business and employment positions held, ownership interests in those businesses, business and residence addresses and drivers license number(s);
- (c) Names and current addresses of at least three (3) personal references, including one personal reference who was acquainted with the applicant during each period of residence as listed under subsection (b) above;
- (d) Current business and residence telephone numbers, and all cell phone numbers;
- (e) Description of any existing and previous business relationships with the Gaming industry generally, including ownership interests in those businesses;
- (f) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- (g) Name and address of any licensing or regulatory agency with which the person has ever filed an application for a license or permit related to Gaming, whether or not such license or permit was granted;
- (h) For each felony for which there is an on-going prosecution or a conviction: the charge, the name and address of the court involved, and the date and disposition, if any, of the case;
- (i) For each misdemeanor conviction or on-going misdemeanor prosecution (excluding minor traffic violations) within ten

(10) years of the date of the application: the name and address of the court involved, and the date and disposition, if any, of the case;

(j) For each criminal charge (excluding minor traffic charges), whether or not there is or was a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed above pursuant to subsections (h) or (i) above: the criminal charge, the name and address of the court involved and the date and disposition, if any, of the case;

(k) Name and address of any licensing or regulatory agency (federal, tribal, state, local or foreign) with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

(l) Current photographs;

(m) Any other information the Tribe or Gaming Commission deems relevant; and

(n) Fingerprints obtained by the Gaming Commission in accordance with Section 10(j)(3) below.

- (2) In conducting the background investigation, the Gaming Commission and its agents shall promise to keep confidential the identity of each person interviewed in the course of the investigation.
- (3) The Gaming Commission shall be the designated law enforcement agency for taking the applicant's fingerprints.
- (4) The Gaming Commission shall forward the fingerprints to the NIGC such that it can forward them for processing through the Federal Bureau of Investigation to determine the applicant's criminal history, if any, and perform or arrange to have performed the necessary background investigation of the applicant required by this Ordinance. Such investigation shall include contacting each reference provided in the application and taking all appropriate steps necessary to verify the accuracy of the information contained in the application. There shall be a written investigation report of the findings and conclusions of each investigation. The investigative report shall include: (1) the steps taken in conducting a background investigation; (2) the results obtained; (3) the conclusions reached; and (4) the basis for the conclusions. The Gaming Commission shall review the findings and conclusions of the report for the purpose of determining whether to grant or deny the license applied for.

- (5) When a Primary Management Official or Key Employee is employed by the Tribe, a complete application file, containing all of the information listed in Section 10(j)(1) shall be maintained for a period of at least three (3) years from the date of termination of employment.

k. Eligibility Determination.

- (1) Before a license is issued to a Gaming Employee, Primary Management Official or Key Employee, the Gaming Commission shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a Gaming Employee, Key Employee or Primary Management Official for to be licensed as an employee in a Gaming operation. If the Gaming Commission determines that licensure of the person poses a threat to the public interest or to the effective regulation of Gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of Gaming, the Gaming Enterprise shall not license that person in a Gaming Employee, Key Employee or Primary Management Official position or in any other position for which a Class A license is required, (except as specifically established for Class A licenses by the Gaming Commission). Copies of the eligibility determination shall be included with the Notice of Results that must be submitted to the NIGC before the licensing of a Primary Management Official or Key Employee.
- (2) With respect to all Gaming Employees, Primary Management Officials, and Key Employees, upon receipt of an applicant's completed license application or renewal application, and a determination to issue either a temporary or permanent license, the Gaming Commission shall transmit a "notice of intent" to license the applicant to the State Gaming Agency for a determination of eligibility for licensure under the California Gambling Control Act, together with all of the following:
 - (a) A copy of all tribal license application materials and information received by the Gaming Commission from the applicant;
 - (b) A complete set of fingerprint impressions, rolled by a certified fingerprint roller, transmitted electronically;
 - (c) A current photograph; and
 - (d) Except to the extent waived by the State Gaming Agency, such releases of information, waivers, and other completed

and executed forms as have been obtained from the applicant by the Gaming Commission.

1. Forwarding the Notice of Results to the NIGC for Key Employees and Primary Management Officials.

- (1) On or before the date a Key Employee or Primary Management Official is licensed by the Gaming Commission, the Gaming Commission shall forward to the NIGC the Notice of Results, as that term is defined below, regarding the person and shall retain the application in an active file in accordance with subsection (3) below.
- (2) The "Notice of Results" shall include the following information:
 - (a) The applicant's name, date of birth, and social security number;
 - (b) The date on which the applicant began, or will begin, working as a Primary Management Official or Key Employee;
 - (c) A summary of the information presented in the investigative report, including: licenses that have been previously denied; Gaming licenses that have been revoked, even if subsequently reinstated; every known criminal charge brought against the applicant within the last ten (10) years of the date of the application, and; every felony offense of which the applicant has been convicted or any ongoing prosecution; and
 - (d) A copy of the eligibility determination made in accordance with Section 10(k) of this Ordinance.
- (3) Prior to issuing a license to a Key Employee or Primary Management Official, the Gaming Commission, acting on behalf of the Tribe, shall forward to the NIGC the Notice of Results for each background investigation. The Notice of Results for each background investigation shall be forwarded to the NIGC within sixty (60) days after the employee begins work, or within sixty (60) days of the approval of this Ordinance by the NIGC. The Gaming Enterprise shall not employ or continue to employ any person as a Key Employee or Primary Management Official who does not have a license within ninety (90) days of beginning work.
- (4) The Gaming Commission, acting on behalf of the Tribe, shall provide to the NIGC or other agency, any other reports and information required by IGRA and regulations promulgated thereunder. Further, with respect to Key Employees and Primary Management Officials, the Gaming

Commission shall retain applications for employment, applications for licensing, investigative reports of background investigations, and eligibility determinations for inspection by the NIGC for no less than three (3) years from the date of termination of the person's employment.

- (5) If a license is not issued to an applicant, the Gaming Commission shall notify the NIGC and shall forward copies of its Notice of Results, including the eligibility determination, to the State Gaming Agency and the NIGC for inclusion in the Indian Gaming Individuals Records System.

m. Granting a Gaming License.

- (1) If, within a thirty (30) day period after the NIGC receives a Notice of Results as required under subsection 10(l)(1) and (2) above, the NIGC notifies the Gaming Commission that it has no objection to the issuance of a license, then the Gaming Commission may issue the license.
- (2) The Gaming Commission shall provide any additional information requested by the NIGC concerning a Key Employee or Primary Management Official who is the subject of a Notice of Results as required under this subsection. An NIGC request for additional information shall suspend the thirty (30) day period established under this subsection until the NIGC receives the additional information.
- (3) If, within the thirty (30) day period established under this section, the NIGC provides a statement itemizing objections to issuance of a license to a Key Employee or Primary Management Official, the Gaming Commission shall reconsider the application, taking into account such objections. The Gaming Commission retains the right to make the final determination whether to issue the license to such applicant.
- (4) The Gaming Commission may issue a license to a Primary Management Official or Key Employee if the NIGC fails to respond to the Gaming Commission's Notice of Results within the thirty (30) day period. However, if after the issuance of a Gaming license, the NIGC notifies the Gaming Commission that a Key Employee or Primary Management Official is not eligible for a license, then the Gaming Commission shall immediately suspend the license, in accordance with the procedures of Section 10(n).
- (5) The Gaming Commission shall notify the NIGC of the issuance of a license to a Primary Management Official or Key Employee within thirty (30) days of issuance.

- (6) Using the information provided by the Gaming Commission in Section 10(k)(2), the State Gaming Agency shall issue a determination of eligibility for each Gaming Employee. The Gaming Commission shall not issue a license for any applicant who is determined to be unsuitable by the State Gaming Agency.

n. License Suspension.

- (1) If, after issuance of a license, the Tribe receives reliable information from the NIGC or other reliable source indicating that a Key Employee or a Primary Management Official is not eligible for licensure under the eligibility criteria established in section 10 above, the Gaming Commission shall suspend the license and shall notify the licensee in writing of the license suspension and proposed revocation. The right to a revocation hearing vests only upon receipt of a license granted under this Gaming Ordinance.
- (2) The Gaming Commission shall notify the licensee of a time and place for a hearing on the proposed revocation of a license.
- (3) After the revocation hearing, the Gaming Commission shall determine whether to revoke or to reinstate the license. For actions taken in response to information provided by the NIGC, the Gaming Commission shall notify the NIGC of its decision within forty-five (45) days of receiving notification from the NIGC that the licensee is not eligible for licensure.

- o. Separate Gaming Facility Licenses Required. A separate license shall be required for each place, Gaming Facility, or location on any land where Class II and/or Class III Gaming is to be conducted within the Tribe's Indian Lands. Before Class II or Class III Gaming Activities can be conducted therein, the Gaming Commission shall inspect and license each Gaming Facility in accordance with Section 7(a) of this Ordinance and any requirements of IGRA.

- p. Denying Gaming Licenses. The Gaming Commission shall not license a Primary Management Official or Key Employee if the Gaming Commission determines that licensing the person poses a threat to the public interest, poses a threat to the effective regulation of Gaming, or creates or enhances the dangers of unsuitable, unfair or illegal practices, methods, and/or activities in the conduct of Gaming. When the Gaming Commission does not issue a license to an applicant for a Primary Management Official or Key Employee position, it shall notify the NIGC and the State Gaming Agency and forward copies of its Notice of Results to the NIGC and to the State Gaming Agency.

Section 11. Application Forms.

- a. Each application form for a Key Employee or a Primary Management Official, as well as for all other Class A license applicants shall contain the notices set forth in subsections (1) and (2) below, pursuant to 25 C.F.R § 556.2 and § 556.3:

(1) Privacy Act Notice:

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 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 NIGC 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 hire you in 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.

(2) Notice Regarding False Statements.

A false statement on any part of your license application may be grounds for denying a license or the suspension or revocation of a license. Also, you may be punished by fine or imprisonment (U.S. Code, title 18, § 1001).

- b. Any existing Key Employee or Primary Management Official, or any other Class A licensee unless otherwise specifically exempted by the Gaming Commission, that has not completed an application form containing the language set forth in Section 11.a (1) and (2) above, shall be notified that they must either:

- (1) Complete a new application form that contains the Privacy Act Notice and the Notice Regarding False Statements; or

- (2) Sign a statement that contains the Privacy Act Notice and consent to the routine uses described in that notice, and sign a statement that contains the Notice Regarding False Statements.

Section 12. Class III Gaming; Tribal-State Compacts.

In addition to the provisions set forth above, no Class III Gaming shall be engaged in within the Tribe's Indian Lands without a tribal-state compact being in effect in accordance with the IGRA. All negotiations for such tribal-state compacts shall be conducted through the Tribal Council, with the advice and suggestion of the Gaming Commission, and shall be finalized in accordance with Tribal and federal law. To the extent any provision of the Tribe's then in effect tribal-state compact is inconsistent with the provisions of this Ordinance, such tribal-state compact shall prevail. The Amended Compact is deemed to be incorporated by reference herein. The Tribe shall adopt and maintain all required ordinances and regulations set forth in the Amended Compact.

Section 13. Interest in Management Contracts by Tribal Officials.

No elected official of the Tribe, including the Gaming Commission or any other committee or agency of the Tribe, shall have a financial interest in or management responsibility for, any management agreement entered into pursuant to IGRA, nor shall such elected official serve on the board of directors or hold (directly or indirectly) ten percent (10%) or more of the issued and outstanding stock of any corporation, or ten percent (10%) or more of the beneficial interest in any partnership, trust, or other entity, in any such corporation, partnership, trust or other entity, having a financial interest in, or management responsibility for, such contract.

Section 14. Service of Process.

The Tribe designates as its agent for the service of any official determination, order, or notice of violation, the Chairperson of the Tribe.

Section 15. Tribal Corporation.

Nothing in this Ordinance shall prevent the Tribe, through its Tribal Council, from delegating conduct or ownership of any Gaming Operation and / or Gaming Facilities and/or enterprise(s) of the Tribe to a Tribal Corporation, so long as such Tribal Corporation agrees to meet all criteria and requirements established under this Ordinance.

Section 16. Repeal of Prior Gaming Ordinance; Effective Date.

This Ordinance and the regulations promulgated thereunder shall constitute the entire Gaming regulations of the Tribe. All prior Gaming acts and ordinances of the Tribe are repealed, and this Ordinance shall become effective upon its approval by the NIGC.

Section 17. Severability.

If any provision or application of this Ordinance is determined by review to be invalid, such determination shall not be held to render such provision inapplicable to other persons or circumstances, nor shall such determination render invalid any other provision of this Ordinance.

Section 18. Amendments.

- a. Without in any way limiting the constitutional powers of the General Council, all provisions of this Ordinance are subject to revision, repeal, or amendment by the Tribal Council at a duly called Tribal Council meeting. Revisions and amendments shall require subsequent approval by the NIGC and then the Chief of the General Council in accordance with the Tribal Constitution in order for the revisions or amendments to take effect.
- b. The Gaming Commission may recommend revision, repeal or amendment of Gaming regulations promulgated pursuant to this Ordinance but such revision, repeal or amendment must be approved by the Tribal Council.

The foregoing Ordinance was approved at a regular meeting of the Coyote Valley Tribal Council held on the ____ day of _____, _____, by a vote of ____ yes, ____ noes, and ____ abstentions.

Michael Hunter, Tribal Chairperson

Candace Gonzales, Tribal Secretary

The foregoing amendments to this Ordinance were approved by the Chief on the ____ day of _____, _____.

Hiram Campbell, Chief