



June 10, 2013

By First Class Mail

Darren Rose, Vice Chairman
Alturas Indian Rancheria
PO Box 340
Alturas, CA 96101

Re: Alturas Indian Rancheria amended tribal gaming ordinance

Dear Vice Chairman Rose:

This letter responds to your request for the National Indian Gaming Commission to review and approve amendments to the Alturas Indian Rancheria tribal gaming ordinance. The amendments were approved by Tribal Resolution No. 2013-15 on May 14, 2013. In addition to technical corrections, the amendments revise the provisions related to the appointment and removal of tribal gaming commissioners, updates the licensing and background investigation provisions so that they comply with parts 556 and 558 including revising Privacy Act and false statements language to be included on gaming license application forms, and grants the NIGC authority to review and enforce Class III minimum internal control standards.

Thank you for bringing these amendments to our attention and for providing us with a copy. The amendments are approved as they are consistent with the requirements of the Indian Gaming Regulatory Act and the NIGC's regulations. If you have any questions, please feel free to contact Senior Attorney John R. Hay at 202-632-7003.

Sincerely,

A handwritten signature in blue ink that reads "Stevens".

Tracie L. Stevens
Chairwoman



RESOLUTION 2013-15

A RESOLUTION OF THE BUSINESS COMMITTEE OF THE ALTURAS INDIAN RANCHERIA TO AMEND THE TRIBAL GAMING ORDINANCE

- WHEREAS,** the Alturas Indian Rancheria (the "Tribe") is a federally-recognized Indian tribe duly organized under Section 16 of the Indian Reorganization Act of 1934 and possessing a government-to-government relationship with the United States; and
- WHEREAS,** the Tribe is organized under a constitution approved by the Secretary of the Interior or its authorized delegate on May 17, 2005 ("Constitution"); and
- WHEREAS,** pursuant to Article VII, Section 1 of the Tribe's Constitution, the Business Committee is vested with the following powers and duties: (1) enactment of all ordinances, resolutions, or other enactments; (2) representation of the Tribe in all negotiations between the tribe and local, state, and federal governments, and other tribes; (3) administration of all lands and assets and the management of all economic affairs and enterprises of the Tribe; and (4) establishment of rules of procedures to conduct affairs; and
- WHEREAS,** the Business Committee is comprised of three members: Chairman (vacant); Vice Chairman Darren Rose; and Secretary/Treasurer Wendy Del Rosa; and
- WHEREAS,** the Tribe, by and through the Business Committee, passed Resolution 2013-10, to amend the existing Gaming Ordinance, and submitted it to the National Indian Gaming Commission for approval; and
- WHEREAS,** the Business Committee, after receiving comments from the National Indian Gaming Commission on the amendments set forth in Resolution 2013-10, wishes to incorporate those comments into the Gaming Ordinance; and

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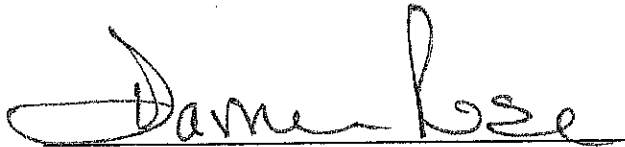
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WHEREAS, the Business Committee hereby adopts the attached 2013 Amendments dated May 14, 2013, and they will become effective upon approval of the Chairperson of the National Indian Gaming Commission.

NOW, THEREFORE BE IT RESOLVED, that the Business Committee of the Alturas Indian Rancheria, acting at a lawfully noticed meeting, does hereby adopt the attached May 14, 2013 amendments and that except to the extent provided herein by the 2013 Amendments, the Existing Gaming Ordinance shall remain in full force and effect, further provided that to the extent that there is a conflict between the 2013 Amendments and the Existing Gaming Ordinance, the 2013 Amendments shall control.

CERTIFICATION

We, the undersigned, hereby certify that the above resolution 2013-15 was adopted by the Alturas Business Committee at a duly-called Business Committee meeting with a quorum present, held on this 14th day of May, 2013 with a vote of 2 for, 0 against, and 0 abstaining. A quorum of 2 was present.


Darren Rose, Vice Chairman

5.14.13
Date


Wendy Del Rosa, Secretary-Treasurer

5-14-13
Date

**2013 Amendments
to the
Alturas Indian Rancheria
Tribal Gaming Ordinance**

Dated: May 14, 2013

1. Section 1.3.2 is hereby amended to read as follows:

“1.3.2 Tribal Gaming Policy The establishment, promotion and operation of Gaming is necessary, provided that such Gaming is regulated and controlled by the Tribe pursuant to the Indian Gaming Regulatory Act, and as authorized by the Tribal/State Compact (only if an Enterprise operates Class III Gaming Activities subject to the Tribal/State Compact), and that revenues of such Gaming are used exclusively for the benefit of the Tribe.”

2. The second Section denominated “1.3.1” is hereby amended to read as follows:

“1.3.6 Tribal Class III Internal Control Standards In connection with Class III Gaming Activities, the Tribe voluntarily, through this Tribal Gaming Ordinance, shall maintain minimum internal control standards (MICS) that equal or exceed those set forth in 25 C.F.R. Part 542 (as in effect on October 1, 2006). The Tribe will work with the NIGC to ensure compliance with applicable MICS regulations.”

3. Section 2.22 is hereby amended to read as follows:

“2.22 “**Enterprise**” means one or more economic entities licensed by the Tribal Gaming Commission operating the Gaming Activity, receiving the revenues, issuing the prizes, and paying the expenses. More than one Enterprise may be licensed by the Tribal Gaming Commission, and an Enterprise may (a) operate only Class II Gaming Activities, only Class III Gaming Activities, or a combination of both, and (b) be operated by the Tribe or a Management Contractor.”

4. Section 2.30 is hereby amended to read as follows:

“2.30 “**Gaming Facility**” means, (a) in connection with an Enterprise conducting only Class II Gaming Activities, any structure(s) within which such Class II Gaming Activities

are conducted, or in which associated equipment, servers, business records, receipts, or other funds (but excluding offsite facilities primarily dedicated to storage of those records and financial institutions) of the Gaming operation are maintained, and (b) in connection with an Enterprise conducting Class III Gaming Activities only or a combination of Class III Gaming and Class II Gaming Activities, such buildings and areas as described in the Compact.”

5. Section 2.32 is hereby amended to read as follows:

“2.32 “Gaming Vendor” or “Vendor” means, in connection with Class III Gaming Activities, the same as a “Gaming Resource Supplier” as defined by the Compact, and, in connection with Class II Gaming Activities, any Person or entity who, directly or indirectly, manufactures, distributes, supplies, vends, leases or otherwise purveys Class II Gaming resources to an Enterprise; provided that the Tribal Gaming Commission may interpret this definition to exclude a purveyor of equipment or furniture that is not specifically designed for Gaming, and is distributed generally for use other than in connection with Gaming. Gaming Vendors must be licensed.”

6. The Section denominated “2.51.1” is hereby amended to be numbered as follows:

“2.52.1”

7. The Section denominated “2.51.2” is hereby amended to be numbered as follows:

“2.52.2”

8. The Section denominated “2.51.3” is hereby amended to be numbered as follows:

“2.52.3”

9. Section 2.60 is hereby amended to read as follows:

“2.60 “Tribal Gaming Commission” means the Tribal Gaming Commission described in Section 4 of Title I of this Code.”

10. Section 3.2 is hereby amended to read as follows:

“3.2 Title, Repeal of Prior Laws, and Effect of Repeal This Code may be cited as the Alturas Indian Rancheria Code, “Code,” “Tribal Gaming Ordinance,” or “Ordinance.”

11. The Section denominated “4.4.1” is hereby amended to be numbered as follows:

“4.3.1”

12. The Section denominated “4.4.2” is hereby amended to be numbered as follows:

“4.3.2”

13. Section 4.10.1 is hereby amended to read as follows:

“The Commission Chairperson shall be appointed for a two (2) year term by a majority vote of the Business Committee.”

14. Section 4.10.2 is hereby amended to read as follows:

“The two (2) Commissioners shall be appointed annually by a majority vote of the Business Committee.”

15. Section 4.14.1 is hereby amended to read as follows:

“Removal A Commissioner may be removed by the Business Committee for the following reasons: serious inefficiency, neglect of duty, malfeasance, misfeasance, nonfeasance, misconduct in office, or any conduct which threatens the honesty and

integrity of the Tribal Gaming Commission or otherwise violates the letter or intent of this Code.”

16. Section 4.14.2 is hereby amended to read as follows:

“Removal Final The decision of the Business Committee upon the removal of a Commissioner shall be final.”

17. Section 4.14.3 is hereby amended to read as follows:

“Vacancies If any Commissioner shall die, resign, be removed or for any reason be unable to serve as a Commissioner, the Business Committee shall declare his/her position vacant and shall appoint another Person to fill the position within thirty (30) days of the vacancy. The terms of office of each person appointed to replace an initial Commissioner shall be for the balance of any un-expired term for such position provided, however, that any prospective appointee must meet the qualifications established by this Code.”

18. Section 5.2.2.1 is hereby amended to be numbered as follows:

“5.2.2(1)”

19. Section 5.2.2(1) is hereby amended to read as follows:

“(1) Privacy Act In compliance with the Privacy Act of 1974, the following information is provided:

- (i) 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 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 license you for a primary management official or key employee position.

- (ii) The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application."

20. Section 5.2.2.2 is hereby amended to be renumbered as follows:

"5.2.2(2)"

21. Section 5.2.2(2) is hereby amended to read as follows:

"(2) False Statement 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, section 1001)."

22. Section 5.2.3 is hereby amended to read as follows:

"5.2.3 State Certification Under Compact for License Applications Associated with Class III Gaming Activities Any Applicant Application associated with an Enterprise operating Class III Gaming Activities shall be transmitted by the Tribal Gaming Commission to the State Gaming Agency for a determination of suitability pursuant to the State certification process under Section 6.5.6 of the Compact. In connection with any Applicant Application associated with an Enterprise operating only Class II Gaming Activities, the Tribal Gaming Commission shall be the sole regulatory agency with authority to make a determination of suitability for licensing of the Applicant, and the Applicant's Application need not, and shall not, be transmitted by the Tribal Gaming Commission to the State Gaming Agency."

23. Section 5.2.4(21) is hereby amended to read as follows:

“(21) Written permission giving the Tribal Gaming Commission, State Gaming Agency (except for Applicant Applications not subject to the State certification process as described above in Section 5.2.3) and the NIGC or its designees the right to review the Applicant’s background, including his criminal record.”

24. The second Section denominated “5.2.4(16)” is hereby amended to be numbered as follows:

“5.2.4(22)”

25. The second Section denominated “5.2.4(17)” is hereby amended to be numbered as follows:

“5.2.4(23)”

26. The second Section denominated “5.2.4(18)” is hereby amended to be numbered as follows:

“5.2.4(24)”

27. The second Section denominated “5.2.4(19)” is hereby amended to be numbered as follows:

“5.2.4(25)”

28. The second Section denominated “5.2.4(20)” is hereby amended to be numbered as follows:

“5.2.4(26)”

29. The Section denominated "5.3.3.1" is hereby amended to be numbered as follows:

"5.3.3(1)"

30. The Section denominated "5.3.3.2" is hereby amended to be numbered as follows:

"5.3.3(2)"

31. The Section denominated "5.3.3.3" is hereby amended to be numbered as follows:

"5.3.3(3)"

32. Section 5.3.3 is hereby amended to read as follows:

"5.3.3 Before issuing a license (including a License to a primary management official or to a key employee), the Tribal Gaming Commission shall create and maintain an investigative report as to findings and conclusions of the foregoing background investigation, including, but not limited to:

- (1) Steps taken in conducting a background investigation.
- (2) Results obtained.
- (3) Conclusions reached.
- (4) The basis for those conclusions."

33. Section 5.3.4 is hereby amended to read as follows:

"5.3.4 Subject to Section 5.2.3 above, the Tribal Gaming Commission shall transmit the Applicant's Application file, the eligibility determination report and in the case of a primary management official or a key employee, the notice of results of the Applicant's background investigation to the NIGC and the State Gaming Agency." The Tribal Gaming Commission shall submit the notice of results of the applicant's background investigation to the NIGC no later than sixty (60) days after the Applicant begins work. The notice of results shall contain:

- (1) Applicant's name, date of birth, and social security number;
- (2) Date on which Applicant began or will begin work as a key employee or primary management official;
- (3) A summary of the information presented in the investigative report, which shall at a minimum include a listing of: (i) licenses that have previously been denied; (ii) gaming licenses that have been revoked, even if subsequently reinstated; (iii) every known criminal charge brought against the Applicant within the last ten (10) years of the date of the Application; and (iv) every felony of which the Applicant has been convicted or any ongoing prosecution; and
- (4) A copy of the eligibility determination made under 25 CFR §556.5."

34. Section 5.3.6 is hereby amended to read as follows:

"5.3.6 The Tribal Gaming Commission, when it does not license an Applicant, shall notify the NIGC and forward copies of the Tribal Gaming Commission's eligibility determination report, investigative report (if any), and in the case of a primary management official or a key employee, notice of results of the Applicant's background investigation."

35. Section 5.8.1 is hereby amended to read as follows:

“5.8.1 Issuance Upon completion of the necessary background investigation and in the case of a primary management official or a key employee, the submission of the notice of results of the background investigation to the NIGC, the Tribal Gaming Commission may issue a License on a conditional or unconditional basis. If the NIGC objects to the Applicant within thirty (30) days of receiving a notice of results of the Applicant’s background investigation from the Tribal Gaming Commission, the Tribe shall reconsider the Application, taking into account the reasons for the objections noted by the NIGC. However, the Tribe shall have the final word on whether to license an Applicant. Nothing herein creates a property right in the License.”

36. Section 5.8.4 is hereby created and reads as follows:

“5.8.4 Notice Within thirty (30) days after the issuance of a License to primary management official or to a key employee, the Tribal Gaming Commission shall notify the NIGC of its issuance.”

37. Section 5.12.2 is hereby amended to read as follows:

“5.12.2 Procedure for Suspension or Revocation”

38. Section 5.12.2(5) is hereby amended to read as follows:

“(5) The hearing shall be set for not less than two (2) days or more than five (5) days from the date of the notice. The hearing shall be governed in all respects in accordance with Tribal law and Tribal Gaming Commission regulations. Any suspension or revocation decision of the Tribal Gaming Commission after hearing shall be reviewable by the Tribal Business Committee pursuant to the requirements of Section 4.21. The Tribe shall notify NIGC of its decision to revoke or reinstate a License for a primary management official or a key employee, within forty-five (45) days of receiving notification from the NIGC pursuant to 25 CFR § 558.4(a).”

39. Section 5.13 is hereby amended to read as follows:

“5.13 **Enterprise License** Any Gaming Enterprise conducting Gaming Activities authorized by this Code shall be licensed by the Tribal Gaming Commission. The Tribal Gaming Commission shall automatically issue an Enterprise License if the following threshold criteria are met:

5.13.1 The Gaming conducted by the Enterprise is located within the Alturas Indian Rancheria on Indian lands.

5.13.2 The Gaming is authorized pursuant to this Code, IGRA and the Compact (if such Gaming is Class III Gaming Activities).

5.13.3 The Gaming is authorized by a Business Committee resolution.

5.13.4 The Tribe has the sole proprietary interest in the Gaming Activities, and any Management Contract associated with the Gaming Activity is consistent with Tribal and Federal law and is properly approved by the Chairperson of the NIGC.”

40. Section 5.14 is hereby amended to read as follows:

“5.14 Gaming Facility License Any Gaming Facility in which Gaming Activities authorized by this Code are conducted shall be licensed by the Tribal Gaming Commission.

.1 A Gaming Facility License shall be issued if the following criteria are met:

(1) If only Class II Gaming Activities are conducted in the Gaming Facility, the construction, expansion or modification of the Gaming Facility shall meet the building and safety codes of the Tribe.

(2) If any Class III Gaming Activities are conducted in the Gaming Facility, the construction, expansion or modification of the Gaming

Facility shall meet the requirements contained in Section 6.4.2 of the Compact.

(3) Upon the inspection of the health and safety of the Gaming Facility, and upon the inspection that all Gaming controls that are necessary to ensure the integrity of the Gaming are in place, the Tribal Gaming Commission shall issue to the Gaming Facility a Certificate of Occupancy, which shall be reissued upon similar inspections every two (2) years.

.2 Upon the issuance of a Gaming Facility License for a Gaming Facility in which any Class III Gaming Activities are conducted, the Tribal Gaming Commission shall forward the Gaming Facility License to the State Gaming Agency within ten (10) days of issuance. In connection with the issuance of a Gaming Facility License for any Gaming Facility in which only Class II Gaming Activities are conducted, the Tribal Gaming Commission shall be the sole regulatory agency with authority over the Gaming Facility and the Gaming Facility License need not, and shall not, be transmitted by the Tribal Gaming Commission to the State Gaming Agency.

.3 Any Gaming Facility License shall be posted in a conspicuous and public place in the Gaming Facility at all times.”

41. Section 5.15.1 is hereby amended to read as follows:

“5.15.1 Except as provided in Sections 5.15.2 and 5.15.3 below, the Tribe will not employ or affiliate with any person whose application to the State Gaming Agency for a determination of suitability has been denied under the State certification process pursuant to Section 6.5.6 of the Compact.”

42. Section 5.15.3(3) is hereby amended to read as follows:

“(3) The denial by the State Gaming Agency is based on reasons that antedate the filing of the Person’s initial application to the State Gaming Agency; or”

43. Section 5.15.3(4) is hereby amended to read as follows:

“(4) The person is not an Employee of another Gaming Enterprise.”

44. Section 5.16.3 is hereby amended to read as follows:

“5.16.3 The Tribe shall provide a monthly report to the State Gaming Agency with a name, badge identification number, and job description of all non-key Gaming Employees associated with an Enterprise operating Class III Gaming Activities.”

45. Section 6.3.1 is hereby amended to read as follows:

“6.3.1 The Business Committee, with the input of the Enterprise, shall retain an independent auditor to conduct an annual audit and shall provide a copy of the annual independent audit to the Tribal Gaming Commission, the Enterprise, the State Gaming Agency (only if the Enterprise operates Class III Gaming Activities subject to the Compact), and the National Indian Gaming Commission.”

46. Section 6.3.2 is hereby amended to read as follows:

“6.3.2 Each contract between the Tribe and another Person for supplies, services (other than legal and accounting services) or concessions for a contract amount in excess of twenty-five thousand dollars (\$25,000) annually shall be subject to an independent audit. Such audit shall be solely limited to a monthly printout from the accounts payable of the Gaming Operations of the checks rendered. A copy of such audit will be provided to the Tribal Gaming Commission, the Business Committee, State Gaming Agency (only if the Enterprise operates Class III Gaming Activities subject to the Compact) and the National Indian Gaming Commission.”

47. Section 7.6.3 is hereby amended to read as follows:

“7.6.3 The Enterprise shall make its premises and books and records available for inspection during normal business hours by the Tribal Gaming Commission, the State Gaming Agency (only if the Enterprise operates Class III Gaming Activities subject to the Compact), the National Indian Gaming Commission and members of the Business Committee or their designee.”

48. Section 8.2 is hereby amended to read as follows:

“8.2 Minimum Internal Control Standards”

49. Section 8.2.1 is hereby amended to read as follows:

“8.2.1 Applicable Standards.

- (1) The Tribal Gaming Commission shall adopt and enforce tribal regulations that comply with any NIGC promulgated regulations applicable to Class II Gaming, including minimum internal control standards for Class II Gaming that are no less stringent than those set forth in such regulations, and, in connection with any Enterprise’s operation of Class III Gaming Activities subject to the Compact, shall formally adopt regulations and make applicable to such Class III Gaming Activities internal control standards that are no less stringent than those set forth in 25 C.F.R. Part 542 (as in effect on October 1, 2006) or as otherwise required by the Compact.

- (2) The Tribal Gaming Commission shall also adopt regulations that (a) contain standards for currency transactions reporting that comply with 31 C.F.R. Part 103, and (b) establish internal control standards for any Class II and Class III Gaming Activities it deems have not been addressed by NIGC promulgated regulations applicable to such Gaming Activities.”

50. Section 8.2.2 is hereby amended to read as follows:

“8.2.2 Annual CPA Testing of Compliance. In order to verify that the Gaming Operation is in compliance with the internal control standards adopted pursuant to subsection 8.2.1, an independent certified public accountant (CPA) shall be engaged annually to perform “Agreed-Upon Procedures” in the manner provided for in 25 CFR 542.3(f).”

51. Section 8.2.3 is hereby amended to read as follows:

“8.2.3 Compliance. The tribal gaming regulatory authority and the NIGC shall monitor and enforce compliance with the internal control standards adopted pursuant to subsection 8.2.1, in the manner provided for in 25 CFR 542.3(g). In addition, the National Indian Gaming Commission shall, for the purposes of enforcing compliance with the internal control standards, have the power to:”

52. Section 8.2.4 is hereby amended to read as follows:

“8.2.4 Enforcement. Any failure to adopt internal control standards pursuant to subsection 8.2.1, to perform Agreed-Upon Procedures pursuant to subsection 8.2.2, to prevent or obstruct the exercise of any of the Commission’s power under subsection 8.2.3, or to comply with the internal control standards once adopted is a violation of this Ordinance. The Chairman of the National Indian Gaming Commission shall have the authority to remedy violations of this Ordinance under 25 U.S.C. 2713 and its implementing regulations, and the Tribe shall have all rights and remedies available thereunder.”

53. Section 8.3.17 is hereby amended to read as follows:

“8.3.17 Altering or counterfeiting a Gaming license.”

54. Section 8.3.24 is hereby amended to read as follows:

“Employing any Person at a licensed Gaming Facility whom the Licensee knows has been convicted of a Gaming crime or a crime of fraud provided, however, that the Tribal

Business Committee may determine that such time has passed after such conviction or plea, or the circumstances of such conviction or plea warrant a finding, that such individual has been sufficiently rehabilitated that his/her presence on the Commission need not violate the standards set forth in Section 4.9.3(1) above.”

55. Section 9.7.4 is hereby amended to read as follows:

“9.7.4 If the Committee is satisfied with the information it receives it shall submit its proposed contract along with all of the above-described information to the Tribal Gaming Commission, State Gaming Agency (only if the Enterprise operates Class III Gaming Activities subject to the Compact) and to the Chairperson of the National Indian Gaming Commission for Licensure approval.”