

NATIONAL
INDIAN
GAMING
COMMISSION

JAN 4 1994

Barbara Murphy, Chief Executive Officer
Redding Rancheria
2000 Rancheria Road
Redding, California 96001

Dear Ms. Murphy:

This letter responds to your request to review and approve the tribal gaming ordinance submitted November 10, 1993, for the Redding Rancheria (the Tribe). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review ordinances with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations. Provisions other than those required under the IGRA or the NIGC regulations that may be included in a tribal ordinance are not subject to review and approval. Also, such approval does not constitute approval of specific games.

It is important to note that the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA.

With the Chairman's approval of the Tribe's gaming ordinance, the Tribe is now required to conduct background investigations on its key employees and primary management officials. The NIGC expects to receive a completed application for each key employee and primary management official pursuant to 25 C.F.R. § 556.5(a) and an investigative report on each background investigation before issuing a license to a key employee or primary management official pursuant to 25 C.F.R. § 556.5(b).

Thank you for submitting the ordinance of the Redding Rancheria for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,

Anthony J. Hope

Anthony J. Hope
Chairman



REDDING RANCHERIA

TRIBAL OFFICE

REDDING RANCHERIA ORDINANCE

RE: To Amend and Adopt Gaming Ordinance #11-4-89-A

WHEREAS: The Redding Rancheria was restored and regained status as a Federally recognized Rancheria on December 22, 1983, rendered so by the Tillie Hardwick Decision, and;

WHEREAS: The Redding Rancheria Tribal Council is the elected governing body of the Redding Rancheria and, hereinafter referred as the "Tribe", and;

WHEREAS: Under Article V(1) (j) of the Constitution of the Redding Rancheria, the Tribal Council has the authority to incorporate into the gaming ordinance adopted by the General Membership the detailed procedures required by the Commission. It is in the public interest and will promote the general welfare of the Tribe to adopt a gaming ordinance that includes detailed procedures for investigation and licensing key employees and management officials and resolving gaming disputes, and;

WHEREAS: The National Indian Gaming Commission, hereinafter referred to as NIGC, has determined that our original Gaming Ordinance does not meet requirements in 25 C.F.R., and;

WHEREAS: The Tribe is required to meet all the requirements in 25 C.F.R., have added the necessary language to the Redding Rancheria Gaming Ordinance to meet the requirements, and;

NOW THEREFORE BE IT RESOLVED THAT:

The Redding Rancheria Tribal Council adopts the Amendment and change to the existing Gaming Ordinance as attached here to this Ordinance.

Futher, Therefore Be It Resolved that:

This revised Gaming Ordinance be submitted to the National Indian Gaming Commission for approval as provided in the Laws and regulations.



931207-00012

REDDING RANCHERIA



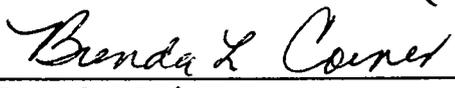
TRIBAL OFFICE

CERTIFICATIONS

The foregoing resolution was adopted by a vote of 5 for and 0 against, and 0 abstentions at a duly called meeting of the Redding Rancheria Tribal Council at which a quorum was present on this 10th day of NOVEMBER 1993.



Mac Hayward
Chairman



Brenda Coiner
Secretary

ORDINANCE NO. _____

ORDINANCE OF THE TRIBAL COUNCIL OF THE REDDING
RANCHERIA AMENDING GAMING ORDINANCE ADOPTED BY
THE GENERAL MEMBERSHIP

Findings.

1. On December 30, 1989, the general membership of the Redding Rancheria adopted the Redding Rancheria Gaming Ordinance which provided generally for the licensing of key employees and management officials working in a Tribal gaming facility;

2. On June 10, 1993, the National Indian Gaming Commission ("Commission") requested the Redding Rancheria to submit its gaming ordinance to the Commission for its review. At the same time the Redding Rancheria must provide the Commission with a detailed description of the procedures it will use to investigate and license key employees and management officials and a description of the procedures the Rancheria has established for resolving disputes between the gaming public and the Tribe or the management contractor.

3. Under Article V(1)(j) of the Constitution of the Redding Rancheria, the Tribal Council has the authority to incorporate into the gaming ordinance adopted by the General Membership the detailed procedures required by the Commission. It is in the public interest and will promote the general welfare of the Tribe to adopt a gaming ordinance that includes detailed procedures for investigating and licensing key employees and management officials and resolving gaming disputes.

NOW, THEREFORE, the Tribal Council of the Redding Rancheria hereby ordains as follows:

Section 1. Purpose.

The purpose of this Ordinance is to regulate all Class 2 gaming activity that occurs within the boundaries of the Redding Rancheria.

Section 2. Definitions.

a. "Tribal Council" means the governing body of the Redding Rancheria as established by Article IV of the Constitution of the Redding Rancheria, adopted on January 6, 1986.

b. "Gaming" means Class 2.

c. "Class 1 Gaming" means social games solely for prizes of minimal value or traditional forms of Indian gaming as part of Tribal ceremonies or celebrations.

d. "Class 2 Gaming" means:

(1) The games of chance known as bingo or lotto whether or not electronic, computer, or other technological aids are used in connection therewith, which are played for prizes, including monetary prizes, with cards bearing numbers or other designations, when objects, similarly numbered or designated, are drawn or electronically determined and the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards;

(2) If played in the same location as bingo, pull-tabs, punch board, tip jars, instant bingo, and other games similar to bingo;

(3) Non-banking card games that are:

i. Explicitly authorized by the laws of the State; or

ii. Not explicitly prohibited by the laws of the State and played at any location in the State, but only if such card games are played in conformity with laws and regulations of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games;

(4) Class 2 gaming does not include baccarat, blackjack, or electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.

e. "Class III Gaming" means all forms of gaming that are not Class 1 gaming or Class 2 gaming.

f. "Gaming facility" means the Win River Casino Bingo facility owned by the Tribe, or any other gaming activity conducted in the building and using the fixtures and equipment comprising Win River Casino Bingo or any other similar facility owned, operated or licensed by the Tribe and located on the Redding Rancheria.

g. "Key Employee" means:

(1) A person who performs one or more of the following functions:

- (a) Bingo Caller;
- (b) Money Room Supervisor;
- (c) Security Supervisor;
- (d) Floor Supervisor/Manager;
- (e) Custodian of Gaming Supplies or Cash;

- (f) Card Table Supervisor/Manager;
- (g) Pit Boss;
- (h) Dealer;
- (i) Croupier;
- (j) Approver of Credit; or
- (k) Custodian of gambling devices including persons with access to cash and accounting records within devices;

(2) If not otherwise included, the four most highly compensated persons in the gaming operation; or

(3) If not otherwise included, any other person employed in the gaming facility whose total compensation is in excess of \$50,000 per year;

h. "Primary Management Official" means:

(1) The person having management responsibility for a management contract; and

(2) Any person who has authority:

(a) To hire and fire employees;

(b) To set up working policy for the gaming operation.

Section 3. Consistency.

All provisions of this Ordinance shall be interpreted, whenever possible, to be consistent with the Indian Gaming Regulatory Act. ("IGRA"; 25 U.S.C. §2701-2721.)

Section 4. Objective.

The objective of gaming activities on the Redding Rancheria is to create employment and to generate income that promotes self-sufficiency, self-determination and the general well being of the membership of the Redding Rancheria.

Section 5. Permissible use of net revenues.

a. To provide per capita payments to Redding Rancheria members;

b. To fund Rancheria government operations or programs;

c. To provide for the general welfare of the Redding Rancheria and its members;

d. To promote Redding Rancheria economic development;

e. To donate to charitable organizations.

Section 6. Per Capita Payments.

a. The Tribal Council shall prepare a financial plan to allocate revenues to uses authorized under Section 5. The Tribal Council may form an advisory committee consisting of Tribal Council members and voting members of the Rancheria to make recommendations regarding the financial plan.

The financial plan to allocate revenue must be approved by the Redding Rancheria membership at a special general meeting at which a majority of Redding Rancheria voting members in attendance accept or reject the financial plan for the uses of the net revenues from the gaming activities.

The financial plan is subject to approval by the Secretary of the Interior.

b. All per capita payments made to Redding Rancheria members are subject to federal taxation. The members will be notified of such tax liability when payments are made.

Section 7. Proprietary interest.

The Redding Rancheria shall have the sole proprietary interest and responsibility for the conduct of all gaming activities.

It shall be unlawful for any person or corporation not authorized by the Redding Rancheria to conduct gaming activities on the Rancheria.

Section 8. Audits.

The Tribal Council shall contract with a qualified Certified Public Accountant ("CPA") or firm of CPAs to conduct annual independent audits of all Class 2 gaming. It will furnish a copy of the audit to the Commission and also to any Redding Rancheria member who requests a copy.

All contracts for services, supplies or concessions to gaming facilities for a contract amount in excess of \$25,000 annually (except contracts for professional legal or accounting services), shall be subject annually to independent audit by a CPA or firm of CPAs engaged by the Tribal Council.

Section 9. Construction and maintenance of gaming facility.

a. The construction, maintenance and operation of the gaming facility will be conducted in a manner which adequately protects the environment, public health and safety.

Section 10. Licenses for Key Employees and Primary Management Officials.

a. Licensing requirement. The Tribe shall cause to be licensed all key employees and primary management officials working in a gaming facility. No person shall hold a position as a key employee or management official for more than ninety (90) days without having been issued a license under this Section.

b. Application forms.

(1) All key employees and management officials employed by the gaming facility on the effective date of this Ordinance or seeking employment with or hired to work in the gaming facility after the effective date of this Ordinance must complete an application for a license within thirty (30) days of the effective date of this Ordinance or the date they submit an application for employment, whichever is later.

(a) The Tribal Council may establish a standard application form which will elicit all of the information required by subsection c (1).

(b) The Tribal Council may establish a fee for the cost of processing an application for employment and/or a license which may include the cost of processing fingerprints (including the Commission's charges for processing fingerprints) and conducting a background investigation.

(2) The following notice shall be placed on the application form for a key employee or a primary management official before that form is filled out by an applicant:

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 employed in a gaming operation. The information will be used by Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed 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 Commission in connection with the hiring or firing of an employee, the issuance 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.

(3) Existing key employees and primary management officials shall be notified in writing that they shall either:

(a) Complete a new application form that contains a Privacy Act notice; or

(b) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

(4) The following notice shall be placed on the application form for a key employee or a primary official before that form is filled out by an applicant.

A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment. (U.S. Code, Title 18, Section 1001.)

(5) The Tribe shall notify in writing existing key employees and primary management officials that they shall either:

(a) Complete a new application form that contains a notice regarding false statements; or

(b) Sign a statement that contains the notice regarding false statements.

c. Background Investigations.

(1) The Tribe shall request from each primary management official and from each key employee all of the following information:

- a. Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
- b. Currently and for the previous five (5) years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
- c. The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (1)(b) of this Section;
- d. Current business and residence telephone numbers;
- e. A description of any existing and previous business relationships with Indian Tribes, including ownership interests in those businesses;
- f. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- g. The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- h. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, the date and disposition, if any;
- i. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
- j. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (1)(h) or (1)(i) of this

section, the criminal charge, the name and address of the court involved and the date and disposition.

- k. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- l. A current photograph;
- m. Any other information the Tribe deems relevant; and
- n. Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. §522.2(h).

(2) The Tribe shall conduct an investigation sufficient to make a determination under subsection d below. In conducting a background investigation, the Tribe or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

(3) In conducting its investigation, the Tribe shall take the following steps to process fingerprint cards of applicants for employment in a gaming facility and for a license as a key employee or management official.

- a. The Tribal Chairperson shall execute the Memorandum of Understanding ("MOU") furnished by the Commission governing the treatment of fingerprints.
- b. The Tribe shall notify the Commission that the Shasta County Sheriff's Department ("Department") will be taking the fingerprints for the Tribe and shall notify the Commission of the currently designated contact person at the Department. In addition, the Tribe should indicate the number of cards which the Commission should send to the Tribe, making allowances for lost or damaged cards.
- c. The Tribe shall provide the Commission with current and periodically updated lists of individuals whose fingerprint cards the Commission will be receiving from the Department and shall pay the Commission's established fees for processing the cards. The lists should also contain the Social Security Number and the date of birth of each listed individual and the name of the law enforcement agency/office taking the fingerprints.
- d. Once fingerprints have been taken, the agency taking the prints should forward the completed cards directly to the Commission. The Commission

will process only those cards received directly from a law enforcement agency.

- e. Upon receipt of the FBI report forwarded by the Commission, the Tribe will complete the background investigation.

d. Eligibility Determination.

The Tribe shall review a persons's prior activities, criminal record, if any, reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming facility. If the Tribe determines that employment 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, a tribal gaming facility shall not employ that person in a key employee or primary management official position, or issue a license to that employee.

e. Report to the Commission.

(1) Within sixty (60) days after an employee begins work for the gaming facility or within sixty (60) days of the effective date of this Ordinance, whichever is later, the Tribe shall prepare and forward to the Commission an investigative report on each background investigation. An investigative report shall include all of the following:

- (a) Steps taken in conducting a background investigation;
- (b) Results obtained;
- (c) Conclusions reached; and
- (d) The bases for those conclusions.

(2) The Tribe shall submit, with the report, a copy of the eligibility determination made under subsection d of this section.

(3) If a license is not issued to an applicant, the Tribe:

- (a) Shall notify the Commission; and
- (b) May forward copies of its eligibility determination and investigative report (if any) to the Commission for inclusion in the Indian Gaming Individuals Records System.

(4) With respect to key employees and primary management

officials, the Tribe shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the Commission or his or her designee for no less than three (3) years from the date of termination of employment.

f. Granting a Gaming License.

(1) If, within a thirty (30) day period after the Commission receives a report, the Commission notifies the Tribe that it has no objection to issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Tribe has provided an application and investigative report to the Commission, the Tribe may issue a license to such applicant.

(2) The Tribe shall respond to a request for additional information from the Chairman of the Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period under paragraph f(1) of this section until the Chairman of the Commission receives the additional information.

(3) If, within the (30) day period described above, the Commission provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribe has provided an application and investigative report to the Commission, the Tribe shall reconsider the application, taking into account the objections itemized by the Commission. The Tribe shall make the final decision whether to issue a license to such applicant.

g. License Suspension.

(1) If, after the issuance of a gaming license, the Tribe receives from the Commission reliable information indicating that a key employee or a primary management official is not eligible for employment under subsection d above, the Tribe shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

(2) The Tribe shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license. The hearing shall be conducted by the Tribal Council. The licensee shall be given not less than ten (10) days' prior notice of the date, time and location of the hearing. The licensee shall have the right to be represented at the hearing. The technical rules of evidence shall not apply and any evidence of the type relied upon by reasonable men in the conduct of serious affairs may be considered by the Tribal Council. The licensee may present testimony and other

evidence and may cross-examine any other witnesses testifying at the hearing. The Tribal Council shall base its decision exclusively on the evidence presented at the hearing and may uphold, modify or reverse the proposed revocation. The Tribal Council shall issue a written decision and serve a copy on the licensee.

Section 11. Enforcement and Public Safety.

The Tribal Council shall adopt such additional rules and regulations and take or authorize such enforcement actions as it deems necessary to ensure full compliance with the provisions of this Ordinance. The Tribal Council is hereby authorized to cooperate with local, state and federal law enforcement officials to the extent deemed necessary by the Tribal Council to ensure that Class 2 gaming complies with all applicable laws and that persons engaged in gaming do not commit any illegal acts that could endanger persons or property.

Section 12. Public/Patron Disputes.

If any customer or member of the general public has a dispute with the manager of a gaming facility or the Tribe, it shall be resolved using the following procedure.

Any gaming facility manager and the Tribe must endeavor to resolve disputes at the lowest level of management possible. Toward that end, any dispute involving gaming must be presented using a multistep process.

Step 1: If a patron has a complaint involving the conduct of a game or his or her treatment at the facility, he or she must discuss the matter with the employee involved in the incident. The employee must listen carefully and courteously to the patron's complaint. All employees shall receive training in customer relations. If the employee fails to resolve the complaint to the customer's satisfaction or lacks the authority to remedy the complaint, he or she shall immediately contact his or her immediate supervisor, if available, or the floor manager.

Step 2: If the supervisor or floor manager fails to resolve the dispute to the customer's satisfaction or lacks the authority to remedy the complaint, he or she shall refer the complaint to the gaming facility manager. The supervisor or floor manager shall also notify security. If a customer is referred to the gaming facility manager, the gaming facility manager shall interview the customer and, if necessary, the involved employee(s) and shall make a decision within a reasonable time, not to exceed, five (5) days. The manager shall obtain the customer's name, address and telephone number. The manager shall notify the customer that if he or she remains dissatisfied, he or she can request in writing review by the Tribal Gaming Representative ("Representative") within seven

(7) days of the manager's decision.

Step 3: The Representative shall review the customer's written appeal and may interview the customer, the manager and any involved employees. The Representative shall issue a written decision to the customer within five (5) working days of receiving the customer's appeal. The Representative's written decision shall include a notice that the customer may appeal the Representative's decision to the Tribal Council. The written appeal must include all information the customer wants the Tribal Council to consider in acting on the appeal. The appeal must be filed within seven (7) days of the date on the Representative's decision.

Step 4: The Tribal Council shall conduct such hearing on the appeal as it deems appropriate. It may limit its review to the written appeal and the written decision of the Representative or it may invite the customer to present written testimony and it may receive testimony from the involved employees. Tribal Council shall issue a written decision which shall be final.

All written notices and decisions shall be sent by regular first class mail to the customer at the address furnished by the customer. The time limits for complainants shall be calculated from the date appearing on the notices or decisions, provided these items are mailed on that date. The time limits for tribal officials shall be calculated from the postmarks appearing on the envelopes containing the appeals.

Section 13. Investment and Management Contract.

a. The terms of any gaming management contract shall not contravene any provision of the IGRA.

No gaming management contract may be assigned without the prior written approval of the Tribal Council. Such approval may be withheld without any reason given.

b. The majority of Redding Rancheria members in attendance, at a duly called special or general meeting, shall be required to approve any contract for the construction and management of any gaming facility on the Redding Rancheria. However, amendments to an approved management agreement may be approved by the Tribal Council, provided the amendments do not change management fees or the general categories of games the manager is authorized to conduct.

Section 14. Preference.

Any management and investment gaming contracts must make provision for the preferential hiring firstly, of Redding Rancheria members and then, secondly, of American Indian people from the Redding and surrounding areas for jobs in the construction and

operation of any gaming facilities or activities.

Section 15. Scope and Licensing.

Class 2 gaming is covered by the provisions of this Ordinance.

(1) A separate license for each gaming place, facility or location on Redding Rancheria lands is required where Class 2 gaming is conducted, for any gaming facility in which the Tribe does not have the sole proprietary interest.

(2) By amendment this ordinance may be made applicable to Class 3 gaming, if the Tribe enters a compact with the State of California authorizing Class 3 gaming on the reservation.

CERTIFICATION

We, the undersigned duly elected officials of the Redding Rancheria, do hereby certify that the foregoing Ordinance was adopted at a duly called meeting of the Tribal Council of the Redding Rancheria with a quorum present by a vote of _____ for, _____ against, _____ abstaining and _____ absent.

REDDING RANCHERIA, CHAIRPERSON

REDDING RANCHERIA, SECRETARY