

MAR 27 2000

Chairman John A. James  
Cabazon Band of Mission Indians  
84-245 Golf Center Parkway  
Indio, CA 92203-3499

Dear Mr. James:

This letter is in response to your request for the National Indian Gaming Commission (NIGC) to review and approve the Cabazon Band of Mission Indians' (Band) Resolution and Amendment to the Cabazon Tribal Gaming Ordinance (Resolution No. 8-3-99-01) adopted August 3, 1999. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA). It is important to note that the gaming ordinance is approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe exercises jurisdiction.

With approval of this gaming ordinance, the Tribal Gaming Commission 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, pursuant to 25 C.F.R. § 556.5(b), before the Tribal Gaming Commission issues a license to a key employee or primary management official.

Thank you for submitting the ordinance for review and approval. The NIGC staff and I look forward to working with you and the Cabazon Band of Mission Indians on future gaming issues.

Sincerely yours



Montie R. Deer  
Chairman

**THE CABAZON BAND OF MISSION INDIANS**  
**A Federally recognized Indian Tribe**  
**Resolution No. 8-3-99-01**

**Re: Resolution and Amendment to the Cabazon Tribal Gaming Ordinance**  
August 3<sup>rd</sup>, 1999

**WHEREAS:** The Cabazon Band of Mission Indians ("The Band") is a federally recognized Indian Tribe; and,

**WHEREAS:** The Cabazon Band of Mission Indians Business Committee ("The Business Committee") is fully aware of its options relative to role, functions, authorities and responsibilities; and,

**WHEREAS:** The Band authorizes the Business Committee to make decisions regarding the administration of resolutions and ordinances pertaining to Tribal Gaming on Cabazon reservation property; and,

**WHEREAS:** The Business Committee has determined a need to amend the Cabazon Tribal Gaming Ordinance with such resolutions and ordinances which the Committee considers necessary to the regulation of gaming on the Cabazon reservation; and,

**BE IT RESOLVED THAT:** The Committee at this time resolves to adopt the Cabazon Tribal Gaming Commission, (Resolution and Amendment to the Cabazon Tribal Gaming Ordinance), dated August 3<sup>rd</sup>, 1999, as incorporated by reference and attachment to this resolution.

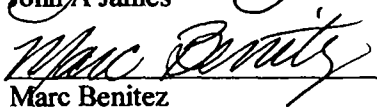
The Committee further authorizes and adopts the Cabazon Tribal Gaming Commission as authorized and established within the Resolution and Amendment.

The Committee further adopts and establishes as an amendment to the Cabazon Tribal Gaming Ordinance of the Cabazon Band of Mission Indians, the National Indian Gaming Commission (NIGC) Minimum Internal Control Standards (MICS) as embodied in the federal law as 25 CFR Part 542 RIN 3141-AA11 and as published in the Federal Register, Vol. 64, No. 2/ Tuesday January 5, 1999/ Rules and Regulations.

This action taken this date, August 3<sup>rd</sup>, 1999.

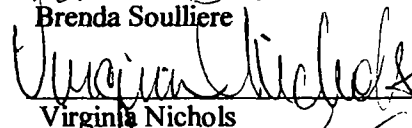
**CERTIFICATION:** This is to certify that the above resolution was adopted by the Cabazon Band of Mission Indians through the Business Committee by a vote of 4 for, 0 against, and 0 abstaining at a duly called meeting on 8/3, 1999.

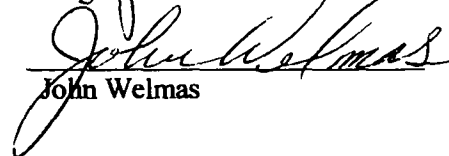
  
John A James

  
Marc Benitez

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April Rosales

  
Brenda Soulliere

  
Virginia Nichols

  
John Welmas

**Cabazon Band of Mission Indians  
Tribal Gaming Ordinance  
Adopted August 3<sup>rd</sup>, 1999**

## **Purpose**

The purpose of this resolution and amendment of the Cabazon Tribal Gaming Ordinance is to establish a formal Cabazon Tribal Gaming Commission, to define the role of the Tribal Gaming Commissioners, and to authorize the Commission to regulate Tribal gaming in accordance with the Indian Gaming and Regulatory Act (IGRA) and policies and procedures of the National Indian Gaming Commission (NIGC), as well as addressing state and local concerns.

## **Scope**

The scope of this resolution of the Cabazon Business Committee, and of this amendment to the Cabazon Tribal Gaming Ordinance, is focused upon the organization of the Cabazon Tribal Gaming Commission, on establishing powers and duties of the Commissioners, and on the ability of Tribal Gaming Commissioners to function as an independent, regulatory oversight entity, with appropriate resources committed, so that the Commission is able to perform an independent regulatory function of all gaming operations within the jurisdiction of the reservation property of the Cabazon Band of Mission Indians.

## **Commissioners**

The Cabazon Tribal Gaming Commission shall consist of five members and one alternate. The Commissioners shall be part-time personnel, consisting of professional members of the community at large, nominated, elected, and confirmed by the Cabazon Business Committee. The Commissioners are to be completely independent of the Cabazon Band of Mission Indians, the Tribal Administration, and the Cabazon Casino operations management. No employee of the Cabazon Band of Mission Indians, nor Native American tribal member on the roles of the Cabazon Band of Mission Indians will be permitted to serve as a Cabazon Tribal Gaming Commissioner. This will insure the integrity of the gaming operation as well as insulate the Cabazon Band of Mission Indians from the appearance of any conflict of interest, or the appearance of impropriety of any kind with the Commission function.

## **Duties of the Commission**

The Cabazon Tribal Gaming Commissioners shall be responsible for over-seeing the entire gaming operation, insuring the integrity of the operation, the safety of the public, and the security of the Tribal assets generated from the gaming enterprises.

1. The Commissioners shall diligently meet and become informed about all aspects of the gaming enterprise.

2. The Commission shall oversee the entire gaming operation, including licensing operations, investigations, surveillance, and audit functions of all casino gaming.
3. The Commission shall establish and approve internal minimum control standards and procedures for the gaming operation, including the operation's credit policies and procedures for acquiring supplies and equipment.
4. The Commission shall perform audits of business transactions to ensure compliance with regulations and/or the policies established by the Commission.
5. The Commission shall establish any supplemental criteria for the licensing of primary management officials, key employees, and other employees that the tribe deems necessary.
6. The Commission shall oversee all key employees and primary management personnel.
7. The Commission shall take testimony as necessary and conduct investigations when determined necessary.
8. The Commission shall critique management methods, policies, and procedures, making comments to the Business Committee as necessary in quarterly reports suggesting observations and recommendations.
9. The Commission shall keep adequate records as determined required and necessary, including but not limited to records on licensees and on persons denied licenses, including persons otherwise prohibited from engaging in gaming activities within the tribe's jurisdiction.
10. The Commissioners shall become informed of requirements of the Indian Gaming Regulatory Act (IGRA), applicable laws and policies affecting Class II and Class III gaming, as well as bulletins, rules and procedures of the National Indian Gaming Commission (NIGC).

### **Authority of the Commission**

The authority to establish a Tribal Gaming Commission as a regulatory structure comes from the sovereign powers of tribal governments recognized by the federal government through the United States Department of Interior. The Indian Gaming Regulatory Act (IGRA) and the National Indian Gaming Commission (NIGC) require tribes to establish gaming commissions. The Tribal Gaming Commission is an extension of the arm of the tribal government. The authority of the Cabazon Tribal Gaming Commission is derived by resolution of the Business Committee of the Cabazon Band of Mission Indians, as

well as by this amendment to the Tribal Gaming Ordinance which recognizes the Commission and its authority.

The Commission shall have the authority to develop the necessary independent structure to oversee the gaming operation, to maximize the protection Tribal assets, to address risk of loss, and to insure maximum available public safety to patrons, management, and associates of the gaming enterprise. Effective regulatory oversight requires that there be a separation between regulatory and operational aspects of the casino operation.

The Commission shall function as the regulatory component establishing checks and balances for the accomplishment of this goal. The Commission shall report directly to the Business Committee of the General Council of the Cabazon Band of Mission Indian Tribe. Commissioners shall have unrestricted access to all areas of the gaming operation, including but not limited to the books and records in order to carry out their duties. The Commission shall draft policies and procedures for conducting official tribal gaming actions. The Commission shall draft forms as needed to accomplish the intended goals. All reports and forms utilized by the casino operations shall be forwarded to the Commission, or made available and brought to the attention of the Commissioners as a general rule of operation as established by the Commission.

### **Commission Structure**

The Commission shall nominate and elect a Commission Chairman from within their eligible members, who shall act as the executive and director, charged with leading the Commission meetings, and coordinating the administration. The Chairman shall have the same authority as all other Commissioners, however, shall serve the Commission as a leader and coordinator of Commission function, insuring effective scheduling, and assisting the Commission as determined required. The Commission meetings and hearings shall be conducted in a semi-formal method, with traditional parliamentary style rules (such as Robert's Rule of Order) governing all meetings and proceedings. The Commission shall have direct oversight responsibility of the gaming operation, the surveillance function, the internal and external audit function and the licensing and investigative functions of casino and gaming operations.

### **Compensation**

The Cabazon Tribal Gaming Commissioners shall be compensated at a rate of four-hundred dollars (\$400.00) per month, as consideration for their service to the Commission. The Commission Chairman shall receive an additional one-hundred dollars (\$100.00) per month additional compensation for serving in the capacity of Commission Chairman. The alternate member shall receive a four-hundred dollar (\$400.00) per month consideration for service to the Commission.

## Term

A Commissioner shall serve a two-year term. The individual terms shall be staggered. Three of the **initial** Commissioners shall be designated as having **initially** only a one year term, in order to accomplish the staggered term process. The first three initial Commissioners nominated and confirmed by the Business Committee shall maintain **two year initial** terms, the subsequent three Commissioners (including the alternate) shall serve a **one year initial** term in order to accomplish the staggered term scheme.

Thereafter, all Commissioners shall serve a two-year term. Commissioners shall serve a maximum of five terms. A Commission Chairman shall serve as Chairman for a one-year period, as nominated, voted and elected by the Commission members. The term shall be for calendar years, beginning on January 1<sup>st</sup> of each year. Any portion of a year served by a Commissioner shall be considered a calendar year for the purpose of a Commissioners term.

## Alternate Member

An alternate Commissioner shall attend and participate in all meetings, functions, and operations of a Cabazon Tribal Gaming Commissioner. The alternate Commissioner shall have full Commissioner powers and duties, without voting powers of the five full Commissioners. The alternate commissioner shall keep informed and up to date on all concerns of the Commission. The alternate Commissioner shall have the full authority of other Commissioners, both as an administrative and investigative authority, and shall function as a Commissioner with such full authority, and may contribute valuable ideas and oversight to the operation, however, the alternate Commissioner in his/her capacity may not vote on any motions, elections, nominations, or agendas presented by the Commission. In the event that a regular Commissioner resigns or becomes unable to perform in his/her duties as a Commissioner as deemed by the Cabazon Tribal Business Committee, the alternate shall become a full voting Commissioner, and the Business Committee on request of the Commission Chairman shall immediately consider removal of the incapacitated member by vote, and replace the alternate Commissioner by nomination and election.

## Support Personnel

The Director of Public Safety shall designate a representative to be present at all official Commission meetings and functions to assist the Commission with secretarial, administrative, and support necessities. The assistant shall report to the Commission Chairman as needed, and shall act as a liaison between the Commission and the Director of Public Safety and the Investigative Section of the Public Safety Department. The Director of Public Safety of the Cabazon Band of Mission Indians shall make available to the Commission full time inspector/investigators as required to fulfill the official duties as requested by the Commission. Any Commissioner shall have the power to request



support personnel as deemed necessary. The Commission and any Commissioner shall be furnished legal assistance by the Executive Director of Legal Affairs of the Cabazon Band of Mission Indians as deemed necessary.

### **Compliance**

The Commission shall be responsible for compliance of all gaming laws and regulations. The Commission shall also inspect machines as necessary for compliance or corrective action.

### **Audit Function**

The Commission shall be responsible for overseeing the Audit Function of the gaming operation. Full cooperation shall be given to Commissioners in obtaining this result including free access to all documents, reports, information and files. The Commission shall be given unrestricted access to such information, keeping in mind the sensitive nature of the details. The Commission shall oversee the outside independent audit function as necessary. The Commission shall inspect the gaming related contracts that result in purchases of supplies, services, or concessions for more than \$25,000.00 in any year pursuant to 25 CFR 522.4 (b) (4).

### **Licensing**

The Commission shall have the responsibility to oversee and approve all licensing functions of the operation, and shall direct and approve all internal licensing in preparation for NIGC consideration. The Department of Public Safety shall conduct all investigations and application processes required for the licensing process, and compile the applications with a staff recommendation from the Director of Public Safety. The Commission shall have the power to issue, suspend, renew, and revoke licenses, establishing procedures for due process in license hearings, and shall sit in consideration of appeal involving revocation proceedings. The Commission shall develop policies and procedures for the notification and administration of license processes, including application and revocation procedures. The Commission shall oversee all management contracts, background investigations, and vendor investigations involving casino gaming operations. The Commission shall have the final determination regarding the suitability of potential licensees, making such determinations according to policies established by the Commission in accordance with rules and regulations established and maintained by the Cabazon Tribal Business Committee.

In the event of a formal appeal of a final determination by the Commission regarding any licensing issue, the Cabazon Tribal Business Committee shall maintain the jurisdiction to review the Commission's decision, and issue a final determination regarding the validity of the appeal. Commissioners shall insure that gaming facilities are constructed, maintained

and operated in a manner that adequately protects the environment and the public health and safety pursuant to IGRA Section 25 CFR 522.4 (b) (4).

### **Patron Disputes**

The Commission shall have full authority to resolve patron disputes, employee grievances, and other problems, pursuant to the tribal gaming ordinance. The method and due process aspect of the dispute procedure shall be developed by the Tribal Gaming Commission, and shall be the forum of choice to arbitrate gaming disputes. The decision of the Commission shall resolve the issue as final, with an appeal available to the Cabazon Tribal Business Committee in writing, furnished within 30 days after written notification made of the Commission finding. Any further appeal of the dispute to the General Council shall be handled in accordance with Cabazon Tribal Law, in a manner consistent with other administrative or civil claims.

### **Publicity Policy**

The Commission, nor the Commissioners, shall have authority to disseminate information learned or obtained as a result of participation within Commission matters. All information learned and obtained from the scope of the Commission function shall be considered confidential in nature, including any matters within the authority and control of the Commission, and information shall be protected as such, with the dissemination of any such information to the public, press, outside agencies, or other persons subject to the express permission of the Cabazon Tribal Business Committee. Any necessity of press relations shall remain a function of the Cabazon Tribal Business Committee. Any public release of confidential information shall be administered only through the Cabazon Business Committee, or through the Cabazon Public Affairs Division, as directed by the Cabazon Business Committee.

### **Amendment Policy**

The Cabazon Business Committee, in accordance with Cabazon Tribal Law, shall retain full authority to review, amend, and modify this Ordinance and Resolution in the future as the Business Committee shall deem necessary.