

**NATIONAL
INDIAN
GAMING
COMMISSION**

JUL 25 1996

Joseph A. Russ, Sr.
President, Round Valley Tribal Council
Round Valley Indian Tribes
P.O. Box 448,
Covelo, California 95428

Dear President Russ:


This letter responds to your request to review and approve the tribal gaming ordinance, Resolution No. RV-96-35, adopted on July 22, 1996, by the Round Valley Indian Tribes (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 Round Valley Indian Tribes for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,


Harold A. Monteau
Chairman

ROUND VALLEY INDIAN TRIBES
A Sovereign Nation of Confederated Tribes

TRIBAL COUNCIL OFFICE
POST OFFICE BOX 448
COVELO, CALIFORNIA 95428
PHONE: 707-983-6128
FAX: 707-983-6128



LOCATION: ON STATE HWY 162
ONE MILE NORTH OF COVELO
IN ROUND VALLEY
TRIBAL TERRITORY SINCE TIME BEGAN

ROUND VALLEY RESERVATION ESTABLISHED 1856

RESOLUTION NO. RV-96-35

A RESOLUTION AMENDING RESOLUTION NO. RV-96-08

WHEREAS, the Round Valley Indian Tribes is the sovereign Nation of the Indian Tribes of the Round Valley Indian Reservation, and

WHEREAS, the Round Valley Tribal Council is recognized by the Federal Government of the United States of America as the governing body for the Indians of the Reservation, and

WHEREAS, Article V, Section I of the Constitution of the Round Valley Indian Tribes authorizes the Round Valley Tribal Council to administer all Tribal Business, and

WHEREAS, the Round Valley Tribal Council has been in the process of developing a Gaming Ordinance for the Round Valley Indian Reservation, and

WHEREAS, the Round Valley Tribal Council has developed an Ordinance for Class II & Class III Gaming operations on the Round Valley Indian Reservation, and

WHEREAS, adoption of the Gaming Ordinance would be in the best economically interest of the Tribe and is authorized and published in the Federal Register at 57 FR 12382-12393, April 9, 1992, and

WHEREAS, this amendment to Resolution No. RV-96-08 authorizes the re-submission of the Tribes revised Gaming Ordinance for the Class II & Class III Gaming.

NOW THEREFORE BE IT RESOLVED, that the Round Valley Tribal Council, governing body for the Round Valley Indian Tribes hereby approves and adopt the Round Valley Indian Tribes Class II & Class III Gaming Ordinance, listed as Attachment No. I, for the Round Valley Indian Reservation.

BE IT FURTHER RESOLVED, that the Round Valley Tribal Council, authorizes and directs the President of the Tribal Council, and/or Vice-President in the absence of the President, to execute said resolution, contracts, agreements and amendments, with the approval of the Tribal Council thereto in order to carry out the intent of said resolution.

RESOLUTION NO. RV-96-35

Page 2

CERTIFICATION

I certify that the aforementioned resolution was adopted by the Round Valley Tribal Council at which a quorum was present at a special meeting duly called and held on July 18, 1996, Council Members, James Bettega Sr., Ronald Lincoln, Ernest Merrifield, Gerald Britton Sr., and John Azbill voted five (5) "for", none (0) "against", and Council Member, Joseph A. Russ Sr., "abstained".

Joseph A. Russ Sr.
President, Round Valley Tribal Council

7-22-96
Dated

ATTEST:

Alberta J. Azbill
Executive Secretary, Round Valley
Tribal Council

7-22-96
Dated

**Round Valley Indian Tribes
Class II & III Gaming Ordinance**

JUL 24 1996

I. Purpose

The Round Valley Indian Tribes, hereinafter referred to as the "Tribe", empowered by the Tribe's Constitution, to enact ordinances, hereby enacts this ordinance in order to set the terms for Class II & Class III gaming operations on tribal lands.

II. Gaming Authorized

Class II gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. Section 2703 (7) (A) and Class III gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. Section 2703 (8) promulgated by the National Indian Gaming Commission at 25 C.F.R. S 502.3 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992), is hereby authorized.

III. Ownership of Gaming

The Tribe shall have the sole propriety interest in and responsibility for the conduct of any gaming operation authorized by this ordinance.

IV. Use of Gaming Revenue

A. Net revenues means gross gaming revenues of Indian gaming operation less;

(a) Amounts paid out as, or paid for, prizes; and

(b) Total gaming-related operating expenses, excluding management fees.

B. Net revenues from Class II and Class III gaming shall be used only for the following purposes: to fund tribal government operations and programs; provide for the general welfare of the Tribe and its members; promote tribal economic development; donate to charitable organizations; or help fund operations of local government agencies.

C. If the Tribe elects to make per capita payments to tribal members, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the Interior under 25 U.S.C. S 2710 (b) (3).

V. Gaming Commission

Establishment of Gaming Commission: There is established by the Tribe a Commission; acting under the authority of the Tribe, to be known as the Round Valley Indian Tribes (RVIT) Gaming Commission. The Gaming Commission shall be composed of five (5) persons, who would themselves qualify for licensing under this Ordinance, and may be appointed by the Round Valley Tribal Council. Two (2) of the Commissioners may be members of the Tribal Council and the other three (3) shall not. The Chairman of the RVIT Gaming Commission shall not hold the office of President of the Round Valley Tribal Council.

VI. Audit

A. The Tribe shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission.

B. All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in subsection A. above.

VII. Protection of the Environment and Public Health and Safety

Class II and Class III gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.

VIII. Dispute Resolution

Patrons who have complaints against the gaming establishment shall have as their sole remedy the right to file a petition for relief with the Round Valley Indian Tribes (RVIT) Gaming Commission. For such purposes, a dispute with any management contractor or its employees shall be made to the RVIT Gaming Commission, as shall be the exclusive remedy for patron complaints. Complaints shall be submitted in writing and, at the discretion of the RVIT Gaming Commission, the petitioner may be allowed to present evidence. The RVIT Gaming Commission will render a decision in a timely fashion and all decisions will be final when issued. Any patron having a claim against the gaming establishment or a management contractor or its employees must submit such claim to the RVIT Gaming Commission within thirty (30) days of its occurrence. All claims by patrons shall be limited to a maximum recovery of \$10,000.00 per occurrence, and a cumulative limit of \$20,000.00 per patron in any twelve (12) month period.

VIII. Licenses for Key Employees and Primary Management Officials

The Tribe shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any Class II and Class III gaming enterprise operated on Tribal lands:

A. Definitions

For the purposes of this section, the following definitions apply:

1. Key employee means

- (a) A person who performs one or more of the following functions:
 - (1) Bingo Caller;
 - (2) Counting room supervisor;
 - (3) Chief of security;
 - (4) Custodian of gaming supplies or cash;
 - (5) Floor manager;
 - (6) Pit boss;

- (7) Dealer;
 - (8) Croupier;
 - (9) Approver of credit; or
 - (10) Custodian of gambling devices including persons with access to cash and accounting records within such devices;
- (b) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000.00 per year; or
- (c) If not otherwise included, the four most highly compensated person in the gaming operation.

(2) Primary management official means

- (a) The person having management responsibility for a management contract;
- (b) Any person who has authority;
- (1) To hire and fire employees; or
 - (2) To set up working policy for the gaming operation; or
- (c) The chief financial officer or other person who has financial management responsibility.

B Application Forms

1. 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 National Indian Gaming 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 National Indian Gaming 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.

2. 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.

3. 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.

4. 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 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 address of at least 3 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, and 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. An other information the Tribe deems relevant; and

n. Fingerprints consistent with procedures adopted by the Tribe according to 25. C.F.R. S 522.2 (h).

2. The Round Valley Indian Tribes Gaming Commission shall arrange for a city or county law enforcement agency, located in Mendocino County of the State of California, to take the applicant's fingerprints and forward those fingerprints directly to the National Indian Gaming Commission, to be forwarded to the Federal Bureau of Investigation, National /Criminal Information Center, for review of the applicant's criminal history, and perform or arrange to have performed the necessary background investigation of the applicant required by this Ordinance. Such investigations 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 report of the findings. Interviews will be conducted with a sufficient number of knowable people such as former employers of the applicant, personal references, to provide a basis for the Tribe to make a finding concerning eligible for employment. There shall be a written investigation report of the findings and conclusions of each investigation; (2) the results obtained; (3) the conclusions reached;

and (4) the basis for the conclusions. The Round Valley Indian Tribes 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. In addition, there will be documentation of all potential problem areas noted and disqualifying information.

3. The Tribe through the RVIT Gaming Commission shall conduct or cause to be conducted an investigation, through the RVIT Gaming Commission, sufficient to make a determination of eligibility as required under this Ordinance. In conducting the background investigation, the RVIT Gaming Commission and its agents shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

D. Eligibility Determination

The Tribe 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 key employee or primary management official for employment in a gaming operation. 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 operation shall not employ that person in a key employee or primary management official position.

E. Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission

1. When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the Tribe shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in subsection D of this section.

2. The Tribe shall forward the report referred to in subsection F of this section to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of this ordinance by the Chairman of the National Indian Gaming Commission.

3. The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after 90 days.

F. Report to the National Indian Gaming Commission

1. Pursuant to the procedures set out in subsection E of this section, the Tribe shall prepare and forward to the National Indian Gaming 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 National Indian Gaming Commission; and
- b.** May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming 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 National Indian Gaming Commission or his or her designee for no less than (3) years from the date of termination of employment.

G. Granting a Gaming License

1. If, within a (30) day period, after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Tribe that it has no objection to the 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 National Indian Gaming 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 National Indian Gaming 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 G. 1. of this section until the Chairman of the National Gaming Commission receives the additional information.

3. If, within the (30) day period described above, the National Indian Gaming 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 National Indian Gaming Commission, the Tribe shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribe shall make the final decision whether to issue a license to such applicant.

H. License Suspension

1. If, after the issuance of a gaming license, the Tribe receives from the National Indian Gaming 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 license.

3. After a revocation hearing, the Tribe shall decide to revoke or to reinstate a gaming license. The Tribe shall notify the National Indian Gaming Commission of its decision.

X. License Locations

The Tribe shall issue a separate license to each place, facility, or location on Indian lands where Class II and Class III gaming is conducted under this ordinance.

XI. Service of Process

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

XII. Repeal

To the extent that they are inconsistent with this ordinance, all prior gaming ordinances are hereby repealed.

XIII. Amendments

All provisions of this Ordinance are subject to revision, repeal, or amendment by the Tribal Council at any time. Regulations promulgated by the Gaming Commission under this Ordinance are subject to revisions, repeal, or amendment by the Gaming Commission at any time.