



JUL 30 2012

Via U.S. Mail and Facsimile

Alix Foster, Director
Swinomish Indian Tribal Community
Office of the Tribal Attorney
11404 Moorage Way
La Conner, WA 98258
FAX: (360) 466-7363

Re: Swinomish Indian Tribal Community Ordinance Amendments

Dear Ms. Foster:

This letter responds to your request on behalf of the Swinomish Indian Tribal Community for the National Indian Gaming Commission Chairwoman to review and approve the Tribe's amendments to its gaming ordinance. Initially, the Tribe submitted the amendment on May 1, 2012, but then resubmitted the amendment on May 9, 2012. The original submission was received on May 8 and the subsequent submission was received on May 11, 2012.

The Swinomish Indian Senate approved Ordinance No. 302 on February 23, 2012 and Ordinance No. 314 on May 2, 2012. The gaming ordinance amendments are approved as they are consistent with the requirements of the Indian Gaming Regulatory Act and NIGC regulations.

If you have any questions, please contact Staff Attorney Esther Dittler at (202) 420-9229.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tracie L. Stevens".

Tracie L. Stevens
Chairwoman

**SWINOMISH INDIAN TRIBAL COMMUNITY
SWINOMISH INDIAN RESERVATION**

**ORDINANCE NO. 314
ORDINANCE RESCINDING ORDINANCES 308, 309 AND AMENDING
ORDINANCE NO. 171 (CODIFIED AT STC 16-03)**

WHEREAS, the Swinomish Indian Tribal Community (the "Tribe") is a federally recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. § 476); and

WHEREAS, the Tribe is organized under a Constitution and By-Laws originally ratified by the Tribe on Novembers 16, 1935, and approved by the Secretary of the Interior on January 27, 1936, and as most recently amended and ratified by the Tribe on September 7, 1985 and approved by the Secretary of the Interior on October 22, 1985; and

WHEREAS, the Swinomish Indian Senate (the "Senate") is the duly elected governing body of the Swinomish Indian Tribal Community and exercises governmental authority over all lands and waters within the Swinomish Indian Reservation; and

WHEREAS, the National Indian Gaming Commission has reviewed Ordinance 308 and required additional changes prior to approving the Ordinance; and

WHEREAS, the Swinomish Gaming Commission recommends that amendments be made to Ordinance No. 171 (codified at STC Title 16, Chapter 3, Sections 16-03.010 through .040 and 16-03.060 through .080) as reflected in Ordinance 308 enacted by the Senate on April 10, 2012 be rescinded; and

WHEREAS, the Swinomish Gaming Commission recommends that the changes recommended by the National Indian Gaming Commission to Ordinance 171 be enacted; and

WHEREAS, the Swinomish Gaming Commission recommends that the amendments be made to Ordinance No. 171 (codified at STC Title 16, Chapter 3, Sections 16-03.010 through .040 and 16-03.060 through .080) as reflected in this Ordinance which includes and incorporates Attachment A hereto be enacted; and

WHEREAS, the Swinomish Gaming Commission finds that the amendments to Ordinance No. 171 as proposed by this Ordinance will comply with the regulations of the National Indian Gaming Commission requiring a tribe amend its ordinance to reflect the 2009 changes in the NIGC rules, specifically those set forth in 25 C.F.R. §§ 556 and 558, at the same time the Tribe seeks any other amendment to its gaming ordinance; and

WHEREAS, the Senate adopts the findings of the Swinomish Gaming Commission; and

**Ordinance No. 314
Enacted: May 2, 2012
Page 1 of 2**

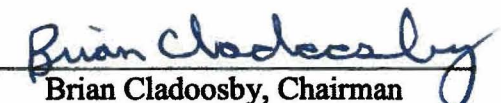
WHEREAS, the Senate has reviewed the suggested changes to Ordinance No. 171 (codified at STC Title 16, Chapter 3, Sections 16-03.010 through .040 and 16-03.060 through .080) and desires to enact this new Ordinance; and

WHEREAS, the Senate has enacted Ordinance No. 309, which in addition to making the changes contained in this ordinance erroneously included an additional changes that NIGC has already approved and must be rescinded; and

WHEREAS, the Senate is authorized to take this action pursuant to Article VI, Sections 1(l) of the Constitution of the Tribe approved January 27, 1936, as amended, and pursuant to the inherent powers of the Swinomish Indian Tribal Community, **NOW THEREFORE**,

BE IT ENACTED BY THE SWINOMISH INDIAN SENATE that Ordinances 308 and 309 are hereby rescinded; and

BE IT FURTHER ENACTED BY THE SWINOMISH INDIAN SENATE that this Ordinance Amending Ordinance No. 171 (codified at STC Title 16, Chapter 3) which includes and incorporates by reference Attachment A is hereby enacted and approved pursuant to the authority of the Swinomish Constitution and By-Laws and the inherent powers of the Swinomish Indian Tribal Community.


Brian Cladoosby, Chairman
Swinomish Indian Senate

CERTIFICATION

As Secretary of the Swinomish Indian Senate, I hereby certify that the foregoing Ordinance was approved at a Special Meeting of the Swinomish Indian Senate held on May 2, 2012, at which time a quorum was present and the Ordinance was passed by a vote of 4 FOR, 0 AGAINST, and 0 ABSTENTIONS.


Sophie Bailey, Secretary
Swinomish Indian Senate

Title 16 - Gaming
Chapter 3 – Licenses for Key Employees
and Primary Management Officials

Sec.

16-03.010	Definitions
16-03.020	Application Forms
16-03.030	Background Investigations
16-03.040	Eligibility Determinations
16-03.050	Procedures
16-03.060	Report to the National Indian Gaming Commission
16-03.070	Granting a Gaming License
16-03.080	License Suspension

Legislative History

Enacted:

Ordinance ____ (xx/xx/xx); BIA (xx/xx/xx); NIGC (xx/xx/xx).
Ordinance 171 Gaming Ordinance (6/30/03), BIA (7/3/03), NIGC (10/3/03).

Repealed or Superseded:

Ordinance 151 Amending Ordinance 103(4/9/02), BIA (6/7/02), NIGC (7/17/02).
Ordinance 118 Amending Ordinance 103 (5/7/96), BIA (5/23/96), NIGC (not required, 8/15/96).
Ordinance 104 Amending Ordinance 103(11/3/93), BIA (11/8/93), NIGC (11/10/93).
Ordinance 103 Gaming Ordinance Repealing Ordinance 50(10/5/93), BIA (10/14/93), NIGC (11/10/93).

16-03.010 Definitions.

For the purpose of this Chapter, the following definitions apply:

- (A) **“Key Employee”** means
- (1) a person who performs one or more of the following functions:
 - (a) Bingo caller;
 - (b) Count room supervisor;
 - (c) Security manager;

- (d) Custodian of gaming supplies or cash;
 - (e) Floor manager;
 - (f) Pit Supervisor;
 - (g) Dealer;
 - (h) Croupier;
 - (i) Approver of credit; and
 - (j) Custodian of gambling devices including persons with access to cash and accounting records within such devices.
- (2) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
 - (3) If not otherwise included, the four (4) most highly compensated persons in the gaming operation.

(B) “Primary Management Official” means:

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

[History] Ord. 314 (5/2/12); Ord. 171 (6/30/03); Ord. 118 (5/7/96); Ord. 104 (11/3/93); Ord. 103 (10/5/93).

16-03.020 Application Forms.

- (A) The following notice shall be placed on the license 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 granted a gaming license. The information

will be used by the Tribal gaming regulatory authorities and by the 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 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.

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

- (B) Existing key employees and primary management officials shall be notified in writing that they shall either:
 - (1) Complete a new application form that contains a Privacy Act notice; or
 - (2) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

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

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. (18 U.S.C. § 1001.)

- (D) The Tribe shall notify in writing existing key employees and primary management officials that they shall either:
 - (1) Complete a new application form that contains a notice regarding false statements; or
 - (2) Sign a statement that contains the notice regarding false statements.

[History] Ord. 314 (5/2/12); Ord. 171 (6/30/03); Ord. 103 (10/5/93).

16-03.030 Background Investigations.

- (A) The Tribe shall request from each primary management official and from each key employee all of the following information:
 - (1) Full name, other names used (spoken or written), social security number(s), date

- of birth, place of birth, citizenship, gender, all languages (spoken or written);
- (2) 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;
 - (3) The names and current addresses of at least three (3) personal references, including one (1) personal reference who was acquainted with the applicant during each period of residence listed under Section 16-03.030(A)(2);
 - (4) Current business and residence telephone numbers;
 - (5) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
 - (6) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
 - (7) 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;
 - (8) 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;
 - (9) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within ten (10) years of the date of the application, the name and address of the court involved and the date and disposition;
 - (10) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed pursuant to Section 16-03.030(A)(8) or (A)(9), the criminal charge, the name and address of the court involved, and the date and disposition;
 - (11) 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;
 - (12) A current photograph;
 - (13) Any other information the Tribe deems relevant; and
 - (14) Fingerprints consistent with procedures adopted by the Tribe according to 25

C.F.R. § 522.2(h).

- (B) The Tribe shall conduct an investigation sufficient to make a determination under Section 16-03.040 below. In conducting a background investigation, the Tribe or its agents shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

[History] Ord. 314 (5/2/12); Ord. 171 (6/30/03); Ord. 103 (10/5/93).

16-03.040 Eligibility Determinations.

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 granting of a gaming license. If the Tribe, in applying the standards set forth in this Chapter, determines that licensing of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the Tribe shall not license that person in a key employee or primary management official position.

[History] Ord. 314 (5/2/12); Ord. 171 (6/30/03); Ord. 103 (10/5/93).

16-03.050 Procedures.

Procedures for forwarding applications and reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission:

- (A) When a key employee or primary management official begins work at a gaming operation authorized by this Title, the Tribe shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation provided for in Section 16-03.030.
- (B) The Tribe shall forward the report referred to in Section 16-03.060 to the National Indian Gaming Commission within sixty (60) days after an employee begins work or within sixty (60) days of the approval of this Title by the Chairman of the National Indian Gaming Commission.
- (C) The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after ninety (90) days.

[History] Ord. 171 (6/30/03); Ord. 151 (4/9/02); Ord. 103 (10/5/93).

16-03.060 Report to the National Indian Gaming Commission.

- (A) Pursuant to the procedures set out in Section 16-03.050, 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:

- (1) Steps taken in conducting a background investigation;
 - (2) Results obtained;
 - (3) Conclusions reached; and
 - (4) The basis for those conclusions.
- (B) The Tribe shall submit, with the report, a copy of the eligibility determination made under Section 16-03.040 of this Chapter.
- (C) If a license is not issued to an applicant, the Tribe:
- (1) Shall notify the National Indian Gaming Commission; and
 - (2) 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.
- (D) 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 three (3) years from the date of termination of employment.

[History] Ord. 314 (5/2/12); Ord. 171 (6/30/03); Ord. 104 (11/3/93); Ord. 103 (10/5/93).

16-03.070 Granting a Gaming License.

- (A) If, within a thirty (30) day period after the National Indian Gaming Commission receives an investigative 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.
- (B) During the thirty (30) day period described above in Subsection 16-03.070(A), the Chairman of the National Indian Gaming Commission may request additional information from the Tribe concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the thirty (30) day period under Section 16-03.070(A) until the Chairman of the National Indian Gaming Commission receives the additional information.
- (C) If, within that same thirty (30) day period, 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.

[History] Ord. 314 (5/2/12); Ord. 171 (6/30/03); Ord. 103 (10/5/93).

16-03.080 License Suspension.

- (A) 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 Section 16-03.040, the Tribe shall suspend such license and shall notify in writing the licensee of the suspension and proposed revocation.
- (B) The Tribe shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.
- (C) After a revocation hearing, the Tribe shall decide whether to revoke or to reinstate the gaming license. The Tribe shall notify the National Indian Gaming Commission of its decision.

[History] Ord. 314 (5/2/12); Ord. 171 (6/30/03); Ord. 103 (10/5/93).

**SWINOMISH INDIAN TRIBAL COMMUNITY
SWINOMISH INDIAN RESERVATION**

ORDINANCE NO. 304

ORDINANCE AMENDING STC 16, CHAPTER 5 AND ORDINANCE NO. 171

WHEREAS, the Swinomish Indian Tribal Community (the "Tribe") is a federally recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. § 476); and

WHEREAS, the Tribe is organized under a Constitution and By-Laws originally ratified by the Tribe on November 16, 1935, and approved by the Secretary of the Interior on January 27, 1936, and as most recently amended and ratified by the Tribe on September 7, 1985 and approved by the Secretary of the Interior on October 22, 1985; and

WHEREAS, the Swinomish Indian Senate (the "Senate") is the duly elected governing body of the Swinomish Indian Tribal Community and exercises governmental authority over all lands and waters within the Swinomish Indian Reservation; and

WHEREAS, the Gaming Business Committee recommends that amendments be made to Title 16, Chapter 5, Sections .010, .020, .025, and .030 and new sections be added to Title 17, Chapter 3, namely Sections .040 through .090; and

WHEREAS, this Ordinance includes and incorporates the attachment hereto by reference; and

WHEREAS, the Gaming Business Committee finds that

(1) In the 1970s, the Tribe designated the north end of the Reservation as a center of its economic development: the North End Economic Zone.

(2) The Tribe has since constructed a bingo hall, a Class III casino, bars, a restaurant, a RV park and a gas station/convenience store and roads connecting these enterprises as well as parking lots for its customers.

(3) The Tribe is in the final stages of constructing a destination lodge and restaurant in the hopes of attracting additional customers to its casino and bingo hall and gas station/convenience store;

(4) It would be efficient, appropriate and in the best interests of the Tribe for the same committee to oversee the activities of the casino and new lodge;

(5) Additional powers are required to adequately manage and operate the casino and lodge; and

(6) It is necessary to designate an agent for service of process; and

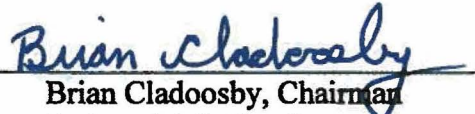
WHEREAS, the Gaming Business Committee recommends that this Ordinance be enacted by the Senate; and

WHEREAS, the Senate adopts the findings of the Gaming Business Committee; and

WHEREAS, the Senate has reviewed this Ordinance which includes and incorporates the attachment hereto by reference and desires to adopt it; and

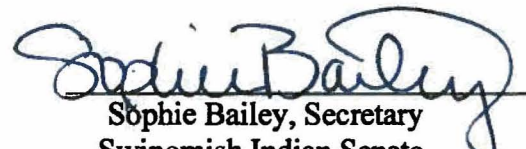
WHEREAS, the Tribal Senate is authorized to take this action pursuant to Article VI, Sections 1(l) of the Constitution of the Tribe approved January 27, 1936, as amended, and pursuant to the inherent sovereign powers of the Swinomish Indian Tribal Community, **NOW THEREFORE**,

BE IT ENACTED BY THE SWINOMISH INDIAN SENATE that this Ordinance Amending STC 16, Chapter 5 And Ordinance No. 171 including the attachment hereto is hereby adopted and approved pursuant to the authority of the Swinomish Constitution and By-Laws.

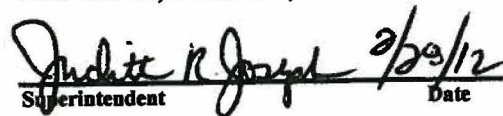

Brian Cladoosby, Chairman
Swinomish Indian Senate

CERTIFICATION

As Secretary of the Swinomish Indian Senate, I hereby certify that the foregoing Ordinance was approved at a Special Meeting of the Swinomish Indian Senate held on February 23, 2012, at which time a quorum was present and the Ordinance was passed by a vote of 7 FOR, 0 AGAINST, and 0 ABSTENTIONS.


Sophie Bailey, Secretary
Swinomish Indian Senate

Approved pursuant to 209 DM 8,
230 DM 1, 3 IAM 4, 4A


Superintendent 2/23/12 Date

Title 16 - Gaming
Chapter 5 – Swinomish Gaming Enterprise

Sec.

16-05.010	Establishment
16-05.020	Gaming Enterprise Management Board
16-05.025	Powers of Gaming Enterprise Management Board
16-05.030	Records
16-05.040	Designation of an agent for service of process
16-05.050	Sovereign Immunity
16-05.060	Federal and Tribal Law
16-05.070	Repealer
16-05.080	Severability
16-05.090	Effective Date

Legislative History

Enacted:

Ordinance 304 Amending Stc 16, Chapter 5 And Ordinance No. 171 (2/23/2012), BIA (xx), NIGC (xx).
Gaming Ordinance, Ord. 171 (6/30/03), BIA (7/3/03), NIGC (10/3/03).

Repealed or Superseded:

Ord. 151 (4/9/02), BIA (6/7/02), NIGC (7/17/02) (amending Ord. 103).
Ord. 118 (5/7/96), BIA (5/23/96), NIGC (not required, 8/15/96) (amending Ord. 103).
Gaming Ordinance, Ord. 103 (10/5/93), BIA (10/14/93), NIGC (11/10/93) (repealing Ord. 50).
Gaming Ordinance, Ord. 50 (3/5/85), Enacting Res. 85-3-13, BIA (3/25/85).

16-05.010 Establishment.

The Swinomish Gaming Enterprise is hereby established as a subordinate economic enterprise and subdivision of the Swinomish Indian Tribal Community tribal government.

[History] Ord. 171 (6/30/03); Ord. 118 (5/7/96); Ord. 103 (10/5/93).

16-05.020 Gaming Enterprise Management Board.

(A) **Establishment.** There is hereby established a Gaming Enterprise Management Board which shall be made up of at least four (4) members who shall be appointed by the Senate. Members of the Senate are eligible for appointment to the Management Board. The Tribal Chair shall be an ex officio member of the Management Board. The Senate

shall select Management Board members so as to ensure that the Board has the requisite skill and experience to manage the Gaming Enterprise. The Senate shall designate one of the members of the Management Board to serve as Chairperson of the Management Board.

(B) **Quorum.** A majority of the members of the Management Board shall constitute a quorum. No Board action shall be taken by vote of less than a majority vote of the Board members present and voting.

(C) **Reporting.** The Board shall report to and be responsible directly to the Senate.

(D) **Term of Office.** The term of office shall be for one year.

(E) **Removal of Board Member.** The Senate may remove a Management Board member for any reason. The Senate shall promptly appoint a replacement for any Board member removed pursuant to this subsection.

(F) **Staff.** The General Managers of the Casino and the hotel, the Director of Finance of the Gaming Enterprise, and a representative of the Office of Tribal Attorney shall report to and provide assistance as needed to the Management Board.

(G) **Scheduling of Meetings.** The Management Board will meet as often as necessary to conduct its business, but no less frequently than monthly. Emergency meetings may be held by telephone or electronically via E-mail, during which business may be transacted, upon prior actual notice to all Board members, provided that not less than a majority of the Board concurs in the proposed action.

(H) **Records of Meetings.** The Management Board shall keep complete and accurate records of all meetings and actions taken by the Board.

[History] Ord. 304 (2/23/12); Ord. 171 (6/30/03); Ord. 118 (5/7/96).

16-05.025 Powers of Gaming Enterprise Management Board

The Gaming Enterprise Management Board shall have the following powers and duties:

(A) **Management.** To manage the Swinomish Gaming Enterprise for the benefit of the Tribe, including.

(1) **Operation:** the power to oversee the operation of all activities conducted by the Gaming Enterprise and to perform those actions required of it pursuant to the provisions of the Swinomish Tribal Code;

(2) **Employ Staff:** the power to employ qualified individuals who shall be Executive Committee members of the Gaming Enterprise and to delegate to such members such powers or duties as the Board shall deem proper;

(3) **Policies:** the power to propose administrative policies, rules and regulations consistent with the Swinomish Tribal Code, the Compact, and federal law. All proposed rules and regulations shall be submitted to the Senate for approval and formal adoption;

(4) **Studies:** the power to undertake and carry out studies and analyses of gaming and other needs of the Gaming Enterprise, to prepare business plans and to execute the same, to operate projects and to provide for the construction, reconstruction, improvement, extension, alteration or repair of any project or any part thereof;

(5) **Budget:** the power to authorize expenditures within the budget approved by the Senate. All other expenditures shall be submitted to the Tribal Budget Committee and the Senate for approval and formal adoption; and

(6) The power to take such further actions as are commonly engaged in by other similar gaming enterprises and as the Management Board may deem necessary and desirable to effectuate the purposes of the Gaming Enterprise.

(B) Reports.

(1) To prepare and submit regular monthly reports to the Senate on the operation and financial status of each separate activity of the Gaming Enterprise, including any significant problems and accomplishments, plans for the following month, and such other information as the Management Board deems pertinent or as requested by the Senate;

(2) To prepare and submit to the Senate within 120 days after the close of each fiscal year an annual report, signed by the Chairperson, showing:

- (a) a summary of the year's activities;
- (b) the complete financial condition of the Gaming Enterprise and of each of its component businesses;
- (c) any significant problems and accomplishments;
- (d) plans for the following year; and
- (e) such other information as the Management Board deems pertinent or as requested by the Senate.

The fiscal year of the Company shall be the fiscal year of the Tribe.

(C) Bank Accounts. To maintain, under the supervision and subject to the authority of the Tribal Treasurer, a such account or accounts as the Gaming Enterprise sees fit.

(D) Records.

(1) To keep written records accounting for all monies received from and expended upon the operation of all activities conducted by the Gaming Enterprise. The Senate may require the Gaming Enterprise to produce these records for inspection without prior notice.

(2) To establish and operate an accounting system such that entries are made in conformity with generally accepted accounting principles and provide sufficient transparency to ensure that the assets of the Gaming Enterprise are managed properly. Such accounting system shall insure the availability of information as may be necessary to comply with all applicable federal, state and Tribal regulatory requirements.

(3) To cause the accounts and records of the Gaming Enterprise to be audited at the close of each fiscal year.

(E) Inspection. To inspect during business hours all premises at which any activity authorized by this Title takes place including vehicles used in connection therewith.

(F) Books. To inspect, examine, and copy all books and records related to all operations and activities conducted by the Gaming Enterprise. Such inspection may be carried out by a Board member or by an agent, tribal employee, attorney, or independent certified public accountant acting on behalf of the Board or the Tribe.

[History] Ord. 304 (2/23/12); Ord. 171 (6/30/03); Ord. 151 (4/9/02); Ord. 118 (5/7/96); Ord. 103 (10/5/93).

16-05.030 Records.

All official records of the Swinomish Gaming Enterprise and the Gaming Enterprise Management Board shall be kept by the offices of the Gaming Enterprise on behalf of the Swinomish Indian Tribal Community.

[History] Ord. 304 (2/23/12); Ord. 171 (6/30/03); Ord. 118 (5/7/96); Ord. 103 (10/5/93).

16-05.040 Designation of an agent for service of process.

Consistent with 25 CFR 522.2(g) and 519.1, the Tribe shall designate an agent for service of any official determination, order, or notice of violation by written notification to the National Indian Gaming Commission.

[History] Ord. 304 (2/23/12);

16-05.050 Sovereign Immunity.

The Gaming Enterprise shall not waive the Tribe's sovereign immunity in the absence of Senate authorization.

[History] Ord. 304 (2/23/12);

16-05.060 Federal and Tribal Law.

The Gaming Enterprise shall comply with all requirements of tribal and federal laws and the State-Tribal Compact, as amended.

Ord. 304 (2/23/12);

16-05.070 Repealer.

[Reserved]

[History] Ord. 304 (2/23/12);

16-05.080 Severability.

If any provision of this Charter or its application to any person or circumstance is held invalid, the remainder of this Charter, or the application of the provision to other persons or circumstances shall remain in effect.

[History] Ord. 304 (2/23/12);

16-05.090 Effective Date.

This Chapter shall be effective upon approval by the Secretary of the Department of the Interior, or the Secretary's designee, and upon approval by the Chairman of the NIGC, as necessary.

[History] Ord. 304 (2/23/12);