

**NATIONAL  
INDIAN  
GAMING  
COMMISSION**

October 12, 1999

Samuel N. Penney, Chairman  
Nez Perce Tribe  
P.O. Box 305  
Lapwai, ID 83540

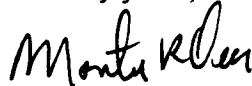
Dear Chairman Penney:

This letter responds to your request for National Indian Gaming Commission (NIGC) review of the amendment to the Nez Perce Tribe's gaming code, Resolution No. 99-89 received on September 13, 1999. The amendment does not require NIGC approval because the document addresses issues not raised in the Indian Gaming Regulatory Act (IGRA) or the NIGC's regulations.

Under the IGRA and the regulations of the NIGC, the Chairman is directed to review ordinances and amendments 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.

Thank you for submitting the Nez Perce Tribe's amendment for review. If you have questions or require further assistance, please contact our office at (202) 632-7003.

Sincerely yours,



Montie R. Deer  
Chairman

## RESOLUTION

WHEREAS, the Nez Perce Tribal Executive Committee has been empowered to act for and in behalf of the Nez Perce Tribe, pursuant to the Revised Constitution and By-Laws, adopted by the General Council of the Nez Perce Tribe, on May 6, 1961 and approved by the Acting Commissioner of Indian Affairs on June 27, 1961; and

WHEREAS, the Nez Perce Tribe has developed the Nez Perce Tribal Gaming Enterprise; and

WHEREAS, the Nez Perce Tribe is required to operate its Gaming Enterprise in accordance with tribal and federal law; and

WHEREAS, Federal law also requires the adoption of the State/Tribal Compact which was adopted in July, 1995; and

WHEREAS, to improve the efficient operation of the Gaming Commission, NPTEC authorized and adopted an amendment to our Nez Perce Tribal Gaming Code and State/Tribal Gaming Compact to reduce the number of official tribal Gaming Commissioners from five members to three full time members; and

WHEREAS, public meetings on the proposed changes were held November 2<sup>nd</sup> and 3<sup>rd</sup>, 1998 and adopted by NPTEC on November 24<sup>th</sup> as changes to the Nez Perce Tribal Gaming Code; and

WHEREAS, the Chairman of NPTEC and the Governor of the State of Idaho signed an amendment to the tribal/state gaming compact on December 12 authorizing the change in the number of gaming commissions; and

WHEREAS, tribal resolution NP 96-510 amended was adopted on November 24, 1998 stating that the existing Gaming Commission terms will expire on December 31, 1998.

WHEREAS, the job description for the Gaming Commissioners was advertised in accordance with duly adopted Human Resources Manual and interviews were held for all applicants.

NOW, THEREFORE BE IT RESOLVED, that the Nez Perce Tribal Executive Committee (NPTEC) does hereby authorize the hiring of the following individuals to be appointed to the position of Gaming Commissioner for the terms specified effective January 4, 1999, with the standard 90 day probation period and contingent upon successful completion of obtaining a gaming license.

Tonia Garcia	Range 13, Step 1	Three Year Term
Elizabeth Arthur	Range 13, Step 1	Two Year Term
Jacqueline Wapato	Range 13, Step 1	One Year Term

BE IT FURTHER RESOLVED, that the salary shall be at Range 13, Step 1 for the remaining fiscal year of 1999 upon which time the Commission shall recommend a new budget for FY 2000.

BE IT FURTHER RESOLVED, these positions are entitled to fringe benefits package as per the Human Resources Manual to include health, life and retirement insurance.

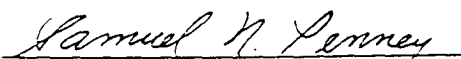
BE IT FINALLY RESOLVED, that the NPTEC Chairman and Secretary are authorized to sign related documents and the NPTEC Treasurer is authorized to disburse funds accordingly.

#### CERTIFICATION

The foregoing resolution was duly adopted buy the Nez Perce Tribal Executive Committee meeting in Special Session, December 22,, 1998, at the Wa A' Yas Community Building in Kamiah, Idaho, a quorum of its members being present and voting.

  
Carla High Eagle, Secretary

ATTEST:

  
Samuel N. Penney, Chairman

## JOB DESCRIPTION

JOB TITLE:	Gaming Commissioner
NPTEC SUBCOMMITTEE:	Law and Order Subcommittee
TRIBAL PROGRAM:	Gaming Commission
CLASSIFICATION:	Exempt
TYPE:	Regular /Full time
SALARY:	Range 14 - Step 1 - 10
SUPERVISOR:	NPTEC

### **Position Description:**

**The Nez Perce Tribe Gaming Commission:** The Nez Perce Tribe Gaming Commission consists of three full time employees appointed by the Nez Perce Tribal Executive Committee and is the tribal entity responsible for compliance and implementation of the Tribal Gaming Ordinances, the Indian Gaming Regulatory Act and the Class III Gaming Compact with the State of Idaho. The Commission is charged with the regulation, licensing and investigation of all gaming activities on the Nez Perce Reservation. The Gaming Commissioners implements Tribal policies to ensure that all gaming activities are conducted fairly and honestly for both players and operators, and in accordance with the ordinances, the Compact, and all applicable federal laws. The Commission shall ensure coordination between operations and the development of internal controls.

### **Primary Duties and Responsibilities:**

1. Be available when on shift to provide access to the video lottery terminals.
2. Overall responsibility for background investigation and licensing all gaming employees, vendors, suppliers, management and facilities on the reservation.
3. Make timely decisions regarding gaming licensing (issuance, denial, revocation, and suspension), acting as a body to hear, consider and vote on such matters.
4. Reviewing and analyzing reports, gaming applications, and other documentation regarding licensing and investigation of gaming employees and others associated with the Tribe's gaming activities.
5. Assuming overall responsibility for the development and approval of gaming rules, internal controls and compliance standards.
6. Supervising the development and approve rules and regulations to implement Gaming Commission programs in compliance with policies established by the Tribe.
7. Preparing Commission annual budget proposals and justification for NPTEC review and approval.
8. Maintain and protect Commission records including confidential information regarding

investigations and criminal information.

9. Coordinate with state and local enforcement and emergency response agencies in regulations, enforcement and investigation and prosecution of violations.

10. Overseeing the surveillance, investigations, licensing, regulations and audit functions in respect to the Tribe's gaming activities.

11. Ensuring that reporting requirements at the Tribal, state and federal levels are met in a timely manner.

12. Maintaining high professional and ethical standards in all aspect of their work.

13. Investigating and hearing patron complaints against the gaming establishment, as well as administer oaths and hear evidence presented in regard to licensing appeals and determinations of suitability of gaming employees, vendors, suppliers, and management.

14. Inspect and examine all premises where gaming is conducted or where gaming devices are located, sold, distributed, or stored.

#### **General Duties and Responsibilities:**

The primary responsibility of the gaming commissioners is to monitor the integrity of gaming in accordance with the Indian Gaming Regulatory Act, Tribal Gaming Ordinances and the State compact. The commissioners regulate, license and investigate all gaming activities on the Nez Perce Reservation and oversee surveillance and audit functions. Ensure reports are submitted timely and prepare annual budgets and justification for NPTEC review and approval. Ensure fairness and due process.

#### **Education and Experience:**

A minimum of a Bachelors of Arts/Science Degree required; Masters Degree in a related discipline is preferred. A minimum of one year managerial experience in Native American Programs and/or a minimum of one year in a managerial/regulation role in a Gaming Enterprise in a Tribal Government setting is preferred. Must have knowledge of Federal, State and Tribal law pertaining to Tribal Gaming; and knowledge of the judicial process, due process and how to conduct hearings. Must have experience in internal audits, investigations, technical report writing and ability to maintain deadlines and make decisions in a timely manner. Must demonstrate ability to communicate and work cooperatively and effectively with people at diverse levels. Must be bondable, qualify for Nez Perce tribal gaming license and be of good character. Must be twenty-one years of age and able to work all shifts and/or weekends. Nez Perce Tribal preference will apply.

**Working Environment:** Environment is a public gaming facility and is not smoke free. Physical activities include walking, sitting, bending, stooping, kneeling, some lifting, writing. Repetitive motions, seeing, hearing and speaking and writing to conduct employment and other work. Interaction with public and large staff.