

**NATIONAL
INDIAN
GAMING
COMMISSION**

JUL 2 1999

Dale C. Robertson, Tribal Gaming Commissioner
Big Sandy Rancheria Tribal Gaming Commission
37007 Auberry Road
P.O. Box 129
Auberry, California 93602

Dear Mr. Robertson:

This letter responds to your request to review and approve the amendment to the Big Sandy Rancheria's gaming ordinance submitted on April 5, 1999. The amendment was adopted on March 27, 1999. The original ordinance was approved by the Chairman of the National Indian Gaming Commission (NIGC) on June 21, 1995. This letter constitutes approval under the Indian Gaming Regulatory Act (IGRA).

Thank you for submitting the Big Sandy Rancheria's amendment for review. If you have questions or require further assistance, please contact Ms. Frances Fragua at (202) 632-7003.

Sincerely yours,



Montie R. Deer
Chairman

**AUBERRY BIG SANDY BAND OF INDIANS
AUBERRY, FRESNO COUNTY, CALIFORNIA
CLASS II GAMING ORDINANCE
AMENDMENT TO RESOLUTION NO. 96-12
MARCH 27, 1999**

APR 13 1999

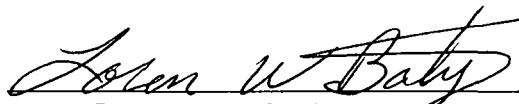
Section I. Big Sandy Rancheria Gaming Commission


- A. Establishment of Gaming Commission.** There is established by the Tribe hereby a Gaming Commission to be known as the Big Sandy Rancheria Gaming Commission . The Gaming Commission shall be composed of :
1. (1) one Gaming Commissioner
 2. (2) two Background Investigators
 3. (2) three Compliance Officers
- 1. Establishment of the Gaming Commissioner.** There is established by the Tribe hereby a Commissioner to be known as the Big Sandy Rancheria Gaming Commissioner. This Gaming Commissioner will be appointed by the Big Sandy Rancheria Tribal Council.
- 2. Establishment of Gaming Background Officer.** There is established by the Tribe hereby a Gaming Background Officer to be known as the Big Sandy Rancheria Background Officer. The Background Officer shall be composed of two (2) persons, all of whom shall be interveiwed and hired by the Tribe's Gaming Commissioner , the Big Sandy Rancheria Government Office's Personnel Representative and one (1) member of the Tribal Council.
- 3. Establishment of Gaming Compliance Officer.** There is established by the Tribe hereby a Gaming Compliance Officer to be known as the Big Sandy Rancheria Compliance Officer. The Compliance Officer shall be composed of two (2) persons, all of whom will be interveiwed and hired by the Tribe's Gaming Commissioner, the Big Sandy Rancheria Government Office's Personnel Representative and one (1) member of the Tribal Council.
- C. Terms of Office for the Gaming Commission,** Except that immediately after enactment of this act. The respective term for the Commissioner shall be a (3) three year term with reappointment possible, Background Officers and Compliance Officers shall receive the same classification of a Big Sandy Rancheria Government employee, employment shall be based on job performance and follow all BSR employment policies and procedures.

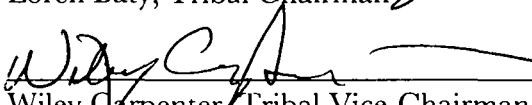
- E. No quorum needed.** The Gaming Commissioner will execute the duties of his or her position as required. Changes in policies and enforcement issues shall be brought to and approved by the Big Sandy Rancheria Tribal Council.
- F. Office and Duty.** The Gaming Commissioner shall preside over and execute all duties of the Big Sandy Rancheria Gaming Commission, utilizing the staff of the Big Sandy Gaming Commission to maintain the integrity of the Tribe's gaming facility with all Tribal, Federal and State compacts and regulations.
- G. Action taken.** All actions taken must be executed in a professional manner with the interest of the Tribe's business, and in maintaining compliance with all Tribal, Federal and State compacts and regulations.
- H. Meetings.** Meetings with the Tribal Council shall be held once a month at which a report will be given on the Tribe's gaming facility. Staff meetings within the Big Sandy Rancheria Gaming Commission should be held weekly.

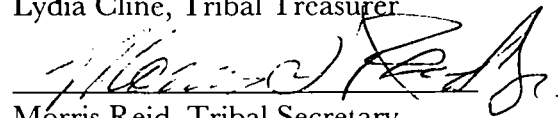
CERTIFICATION

The foregoing amendment to resolution 96-12 was adopted at a duly called meeting held on March 27, 1999 by the following: **Vote:** 2 For Against Abstain Absent


Loren Baty, Tribal Chairman


Lydia Cline, Tribal Treasurer


Wiley Carpenter, Tribal Vice-Chairman


Morris Reid, Tribal Secretary

Member at Large - Open

**AUBERRY BIG SANDY BAND OF INDIANS
AUBERRY, FRESNO COUNTY, CALIFORNIA
CLASS II GAMING ORDINANCE
MAY 29, 1996
RESOLUTION NO. 96-12**

Section I. Gaming Commission.

a. Establishment of Gaming Commission. There is established by the Tribe hereby a commission to be known as the Big Sandy Rancheria Gaming Commission. The Gaming Commission shall be composed of four (4) persons, all of whom shall be appointed by the Tribal Council.

b. Disqualifications for Office. The following persons may not serve as Commissioners:

(1) Employees of any gaming enterprise on the Reservation;

(2) Persons related to any gaming contractor (including any principal thereof or closely associated independent contractor);

(3) Persons who would not be eligible to be officers of the Tribe pursuant to the Tribes's Articles and Bylaws; or

(4) Persons having any interest in or responsibility for, either directly or indirectly, any gaming related contract with the Tribe or any gaming enterprise on the Reservation;

(5) Any violations of the Big Sandy Rancheria Gaming Code of Ethics.

c. Terms of Office. The Commissioners shall serve for four-year terms, except that immediately after enactment of this Act two (2) of the Commissioners shall serve for three years, and two (2) of the Commissioners shall serve for four years. The respective term for each Commissioner shall be designated in their appointment. Commissioners may serve for more than one term.

d. Removal from Office. Commissioners may only be removed from office before the expiration of their terms by the Tribal Council for neglect of duty, malfeasance or other good cause shown, in the same manner as officers of the Tribe may be removed.

e. Quorum. Three (3) members of the Gaming Commission shall constitute a quorum.

f. **Officers and Duties.** The Gaming Commission shall select, by majority vote, a Chairman, Vice-Chairman and Secretary. The Chairman shall preside over meetings of the Gaming Commission and the Vice-Chairman shall preside in absence of the Chairman. The Secretary shall record in writing the minutes of all Gaming Commission meetings and all official actions taken by the Gaming Commission. Officers shall serve for one year terms and may not serve in the same position for two consecutive years.

g. **Voting.** All actions of the Gaming Commission shall be taken by majority vote. The Commission Chairman may vote on any issue.

h. **Meetings.** Meetings shall be held at least once per month, on the second Tuesday of the month at 7:00 p.m. at the Gaming Commission's office. Additional meetings shall be held as called by the Chairman or by at least three (3) Commissioners. Notice of meetings shall be given in writing to each Commissioner, served by first class mail/personnel delivery or Telephone call at least three (3) business days prior to such meeting.

i. **Compensation for Serving; Fringe Benefits; Reimbursement of Expenses.** Commissioners shall be compensated for serving on the Commission at rates to be set by the Tribal Council after review. Such rates shall be identical for all Commissioners. Step increases may be allowed based on length of service. Commissioners shall be eligible for fringe benefits which are available to other employees of the Band to the extent the provider of such benefits qualifies Commission positions for such benefits. Subject to approval by the Tribe Council and in accordance with procedures to be adopted by that Council, Commissioners shall be reimbursed for expenses incurred in connection with the performance of their Commission duties.

j. **Powers and Duties.**

The Gaming Commission shall have the power and duty to:

- (1) Inspect, examine and monitor gaming activities, including the power to demand access to and inspect, examine, photocopy and audit all papers, books and records respecting such gaming activities;
- (2) Investigate any suspicion of wrong doing in connection with any gaming activity;
- (3) Conduct or cause to be conducted such investigations as may be necessary to determine in connection with any gaming activity, compliance with law or this Act or any contracts, agreements,

- (12) Retain applications and reports of background investigations of primary management officials and key employees for no less than three years from termination of employment pursuant to 25 CFR 558.1(c).
- (13) Ensure that net revenues from any gaming activities are used for the limited purposes set forth in the tribal gaming ordinance pursuant to 25 CFR 522.4(b)(2).
- (14) Interact with other regulatory and law enforcement agencies regarding the regulation of gaming.
- (15) Establish or approve rules of various games, and inspect games, tables, equipment, machines, cards, dice, and chips or tokens used in the gaming operation. Establish or approve video surveillance standards. Establish standards/criteria for gaming machines and facilitate the testing of machines for compliance.
- (16) Resolve patron disputes and other problems, pursuant to the tribal gaming ordinance.

k. Annual Reports. On or before the last day of the third month after the close of the Tribe's fiscal year of each year, the Gaming Commission shall provide to the Tribal Council an Annual Report summarizing its activities during the prior fiscal year, and accounting for all receipts and disbursements.

l. Funding. All funding of the Gaming Commission shall be pursuant to an Annual Budget to be proposed to the Tribal Council ninety (90) days prior to the close of the Tribe's fiscal year and modified, if necessary, and approved and funded in accordance with the Tribe's procedures for approving and funding in accordance with the Tribe's procedures for approving and funding budgets for other departments and agencies of the Tribal government. In preparing the Annual Budget, all actual and anticipated surplus funds of the Gaming Commission shall be taken into account. Expenditures by the Gaming Commission shall be in accordance with the approved Annual Budget. Changes in the approved Annual Budget and requests for additional funds shall be by petition to the Tribal Council, in accordance with such procedures, if any, for other tribal government departments and agencies.

m. Gaming Commission's Relationship to Tribal Government; Supervision of Administration.

- (1) Agency of Tribal Government. The Tribal Gaming

- goods, services, events, incidents, or other matters related to gaming activities;
- (4) Establish and collect license, investigation, and regulatory fees to cover the costs connected therewith;
 - (5) Conduct background investigations regarding any person or entity in any way connected with any gaming activity and issue licenses to, at minimum, all qualified gaming enterprise key employees and primary management officials under requirements at least as stringent as those established in 25 CFR Parts 556 and 558; and grant, suspend, revoke, and renew licenses and hear and decide matters affecting such granting, suspension, revocation, or renewal of licenses;
 - (6) Hold such hearings, sit and act at such times and places, summon persons on the reservation to attend and testify at such hearings, take such testimony, and receive such evidence as the Gaming Commission deems relevant in fulfilling its duties;
 - (7) Administer oaths or affirmations to witnesses appearing before Gaming Commission;
 - (8) Implement and administer a system, including the promulgation of regulations, for investigating, licensing and monitoring management, employees, vendors and others connected with gaming activities, including the issuance of licenses to gaming facilities, individuals and entities and the verification of internal controls, as required under this Act, IGRA, and any Tribal-State compact or equivalent procedures prescribed by the Secretary of the Interior;
 - (9) Promulgate rules for any class II or class III gaming activity on the Reservation, except that rules for class III activities shall not be in conflict with rules, if any, adopted under any Tribal-State compact.
 - (10) Issue such other regulations as it deems appropriate in order to implement the provisions of this Act; and,
 - (11) Carry out such other regulatory duties with respect to gaming activities as the Tribal Council shall direct.

Commission shall be deemed to be an agency of the Tribal Government and as such shall be subject to personnel and other Tribal governmental administrative policies. The administration of all such policies shall be under the supervision of the Tribal Council. In the absence of applicable Tribal personnel or other administrative policies, the Gaming Commission shall promulgate its own policies, subject to approval of the Tribe.

(2) Independent Decision-Making Authority.

Notwithstanding the fact that the Gaming Commission is an agency of Tribal government, the decisions of the Commission regarding licensing, suitability, compliance with applicable law and other regulatory matters shall be within the exclusive province of the Commission provided, that any person or entity adversely affected by a ruling of the Commission, including but not limited to the gaming enterprise or any employee thereof, may petition the Tribal Council for review of such decision, which shall only be reversed by majority vote at a duly held meeting at which such matter has been placed on the agenda at least fifteen (15) days prior to such meeting.

CERTIFICATION

The foregoing resolution was adopted at a duly called meeting held on MAY 29, 1996 by a vote of 4 for 0 opposed and 0 abstaining.

Harve V. Baty
TRIBAL CHAIRMAN

MAY 29, 1996
DATE

Catherine B. Cortez
TRIBAL TREASURER

MAY 29, 1996
DATE