



NOV 27 2002

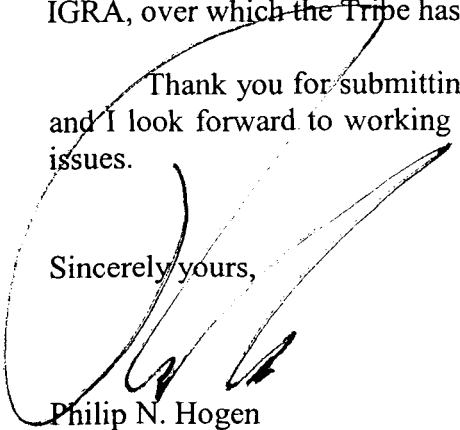
Ms. Elizabeth D. Kipp
Director
Auberry Big Sandy Rancheria
P.O. Box 129
Auberry, CA 93602

Dear Ms. Kipp:

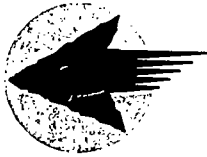
This letter is in response to your request for the National Indian Gaming Commission (NIGC) to review and approve the May 2002, Big Sandy Rancheria Band of Western Pomo Indians (Tribe) Gaming Ordinance No. 02-01 and the Tribal Gaming Regulations approved by Resolution No. 0402-03 on May 1, 2002. This 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 has jurisdiction.

Thank you for submitting the ordinance for review and approval. The NIGC staff and I look forward to working with you and the Big Sandy Rancheria on future gaming issues.

Sincerely yours,



Philip N. Hogen
Chairman



BIG SANDY RANCHERIA

RE: APPROVING, ADOPTING AND SUBMITTING TO THE NIGC THE TRIBAL GAMING ORDINANCE AND REGULATIONS

RESOLUTION NO. 0402-03

WHEREAS, the Big Sandy Rancheria Band of Western Mono Indians is a federally recognized Indian Tribe ("Big Sandy") and as such is authorized to exercise its sovereignty in regulating its own affairs;

WHEREAS, the Tribal Council is the governing body of Big Sandy;

WHEREAS, the Tribal Council enacted the Big Sandy Tribal Gaming Ordinance ("Ordinance") on May 1, 2002, which authorized Class II and Class III gaming and established a Tribal Gaming Regulatory Agency ("Commission");

WHEREAS, the Tribal Council enacted the Big Sandy Tribal Gaming Regulations ("Regulations") on May 1, 2002 which established the procedures that the Commission must follow pursuant to 25 CFR Section 501 et. seq., and Article X of the Ordinance to regulate the operation of the Big Sandy Rancheria Tribal Gaming Establishment ("Casino"); and

WHEREAS, Big Sandy is complying with 25 C.F.R. Section 501 et. seq. through the submission of the Ordinance and the Regulations to the National Indian Gaming Commission.

NOW, THEREFORE BE IT RESOLVED, that the Tribal Council hereby exercises its authority in submitting the Big Sandy Tribal Gaming Ordinance and the Big Sandy Tribal Gaming Regulations to the National Indian Gaming Commission with a request for approval.

Resolution passed this 1st day of May 2002, at a duly noticed meeting of the Big Sandy Rancheria Tribal Council by a vote of 2 for, 0 against, and 1 abstaining.

Wilbur Beecher
Wilbur Beecher, Tribal Chairman

Deather R. Sewell
Witness



BIG SANDY RANCHERIA

AUG 28 2002

RECEIVED

ORDINANCE 02-01

MAY 2002

National Indian Gaming Commission
Region II Sacramento, CA

**BIG SANDY RANCHERIA
BAND OF WESTERN MONO INDIANS**

TRIBAL GAMING ORDINANCE

PURPOSE

The Tribal Council of the Big Sandy Rancheria Band of Western Mono Indians ("Tribal Council"), empowered by the Constitution and Bylaws of the Big Sandy Rancheria Band of Western Mono Indians ("Big Sandy"), hereby enacts this Ordinance to govern any and all gaming activity on the lands controlled by the Big Sandy Rancheria Band of Western Mono Indians ("Rancheria"), to establish the Big Sandy Rancheria Band of Western Mono Indians Gaming Commission ("Commission") as an administrative branch of the Tribal Council for the regulation of the gaming activities at the Mono Wind Casino ("Casino").

DEFINITIONS

- a. Unless otherwise specified, the terms used in this document shall have the same meaning as they do in the Indian Gaming Regulatory Act ("IGRA"), and under 25 C.F.R. §501 et seq., National Indian Gaming Commission ("NIGC") and the Tribal-State Compact entered into on September 10, 1999 ("Compact") signed by the designated authorities for Big Sandy and the State.
- b. "Chairperson" in this document refers to the Big Sandy Rancheria Band of Western Mono Indians Tribal Chairperson.
- c. "Commission" in this document refers to the Big Sandy Rancheria Band of Western Mono Indians Gaming Commission as established under tribal law and designated as responsible to carry out Big Sandy's regulatory responsibilities under IGRA, any gaming regulations, including the duties and responsibilities set forth in the Tribal-State Gaming Compact adopted by Big Sandy.
- d. "Commissioners" shall mean the members of the Big Sandy Rancheria Band of Western Mono Indians Gaming Commission.
- e. "Commissioner" is the managing commissioner of the Commission.

ARTICLE II: GAMING AUTHORIZED

Class II and III gaming as defined in the IGRA, P.L. 100-447, 25 U.S.C. Section 2703 (7) (a) and by the regulations promulgated by the NIGC at 25 C.F.R. § 502.3 (as published in the Federal Register at

BSR Tribal Gaming Ordinance

57 FR 12382-12393, April 9, 1993) is authorized. Additionally, all forms of Class III gaming permitted in the Compact between Big Sandy and the State of California are authorized.

ARTICLE III: OWNERSHIP OF GAMING

Big Sandy shall have the sole propriety interest in and responsibility for the conduct of any gaming operation authorized by this Ordinance.

ARTICLE IV: USE OF GAMING REVENUES

- a. Net revenues from Class II and Class III gaming shall be used only for the following purposes: to fund tribal government operations and programs; to provide for the general welfare of Big Sandy and its members; to promote tribal economic development; to donate to charitable organizations; or, to help fund operations of local government agencies.
- b. If the Tribal Council elects to make per capita payments to Tribal members, it shall authorize the payments only upon approval of a plan submitted to the Secretary of the Interior under 25 U.S.C. § 2710 (B) (3).

ARTICLE V: AUDIT

- a. Big Sandy shall annually conduct an independent audit of gaming operations and shall submit the audit reports to the NIGC.
- 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) of this Article.

ARTICLE VI: 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 as reflected in a tribal environmental ordinance and a public health and safety ordinance.

ARTICLE VII: GAMING COMMISSION

- a. The Commission shall be composed of three (3) to five (5) permanent, full-time Commissioners appointed by the Tribal Council. The Commission will include a Director, Commissioner-Background Investigations and Commissioner Compliance. The increase or decrease in the number of Commissioners shall be the decision of the Tribal Council.
- b. Commissioners are employees of Big Sandy and shall be subject to the Personnel Policies & Procedures Manual of Big Sandy. This includes pre-employment requirements, employee conduct and termination of employment.
- c. Commissioners are prohibited from working for any gaming enterprise or gaming facility of Big Sandy.
- d. Commissioners may be removed from office by the Tribal Council.

ARTICLE IX: SCOPE OF GAMING COMMISSION AUTHORITY

- a. Subject to the review and approval of the Tribal Council, the Commission shall have the power, duty and primary responsibility to carry out Big Sandy's regulatory responsibilities under this Ordinance and any applicable provisions of the Compact, pursuant to review and approval of the Tribal Council. The Commission may carry out these duties under provisions to include the following:
1. Inspect, examine and monitor gaming activities and gaming facilities, including unrestricted access to any area of the gaming operation, the authority to inspect, examine, photocopy and audit all papers, books and records.
 2. Investigate any suspicion of wrongdoing or violations in connection with any gaming activities and require correction of violations as the Commission deems necessary, including imposing fines or other sanctions established by the Commission and the Tribal Council, against licensees or other persons who interfere with or violate Big Sandy's gaming regulatory requirements under applicable federal or tribal law, and the Compact.
 3. Conduct, or cause to be conducted, investigations in connection with any gaming activity as may be necessary to determine compliance with applicable tribal, federal or State law, including tribal gaming regulations, or with any contracts, agreements, goods, services, events, incidents or other matters related to the gaming activities.
 4. Conduct, or cause to be conducted, background investigations regarding any person in any way connected with any gaming activities and issue licenses, at a minimum, to all key employees and primary management officials according to requirements at least as stringent as those required by 25 CFR §§556 and 558, as well as any employees, investors, contractors or others required to be licensed under standards established by Big Sandy, IGRA and the Compact.
 5. Implement and administer a system of investigating, licensing, monitoring, reviewing, and license renewal for the gaming facility, gaming employees, gaming contractors and vendors, suppliers, investors and others connected with gaming activities, as described below, including the issuance of licenses to gaming facilities, individuals and entities as required under tribal gaming regulations, IGRA or the Compact.
 6. To the extent required, comply with any reporting requirements established under tribal gaming regulations, the Compact and other applicable law, including IGRA.
 7. Implement and monitor regulations in order to comply with the provisions of IGRA and the Compact. Ensure their effective enforcement in areas including: enforcement of relevant laws and rules; investigations; physical safety of patrons, employees, and other persons in the gaming facility; physical safeguarding of assets; prevention of illegal activity within the facility or in respect to the gaming operation including employee procedures and surveillance systems; detention of persons who may be involved in illegal acts for notification of law enforcement authorities; recording of any and all incidences within the gaming facility; conduct of audits; submission, approval, and maintenance of Class III game rules; maintenance and approval of surveillance system consistent with industry standards; staffing and supervisory standards and requirements; and technical standards for the operation of gaming terminals and other games consistent with gaming testing laboratory standards.

BSR Tribal Gaming Ordinance

8. Impose gaming license fees, sanctions, fines, and conditions established by the Tribal Council and renew gaming licenses; deny, suspend or revoke gaming licenses; and issue temporary gaming licenses as appropriate under the provisions of tribal gaming regulations, IGRA, and the Compact.
9. Investigate and report violations and compliance failures as required under the tribal gaming regulations, IGRA, and the Compact.
10. Investigate and assure compliance with any requirements for tribal ownership, management, and control of the gaming facility and gaming operation, as established by tribal or federal law or the Compact.
11. Investigate and assure compliance with age restrictions for patrons, including provisions prohibiting minors in the gaming facility and age limits on service of alcoholic beverages, as provided under applicable law.
12. Issue identification cards or badges to those persons required to be licensed and require the cards or badges to be worn at all times while in the gaming facility.
13. Review and monitor gaming facilities of Big Sandy, issue certifications, and assure gaming facility compliance with any inspection and licensing requirements under federal or tribal law and the Compact.
14. Oversee, in conjunction with Casino management, any requirements under tribal or federal law or the Compact for the protection of the health and safety of gaming facility patrons, guests, and employees, including requirements that gaming facilities meet building and safety codes duly adopted by Big Sandy.
15. Monitor inspections by qualified building and safety experts to review and determine compliance with the requirements for gaming facility licensing and certification.
16. Attend all Tribal Council meetings through representation of at least one Commissioner and prepare monthly reports for submission to the Tribal Council regarding all actions taken by the Commission.

ARTICLE X: REGULATION OF TRIBAL GAMING

- a. The Tribal Council shall draft Tribal Gaming Regulations in compliance with this Ordinance, the Compact, and any other applicable tribal or federal laws.
- b. The Tribal Gaming Regulations shall establish reasonable and progressive standards for the regulation of the gaming activities at the Casino and are applicable to the operation of the Casino, its employees, patrons, suppliers and vendors.
- c. Big Sandy shall perform background investigations and issue licenses for key employees and primary management officials according to requirements that are at least as stringent as those in Parts 556 and 558 of Section 25 of the Code of Federal Regulations.

ARTICLE XI: AMENDMENTS

This Gaming Ordinance may be amended by a majority vote of the Tribal Council at a duly called and held meeting where a quorum is present.

BSR Tribal Gaming Ordinance

ARTICLE XII: SEVERABILITY

If any provision of this Gaming Ordinance shall be declared invalid or illegal under applicable federal or tribal law by a court of competent jurisdiction, the invalid provision or provisions shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE XIII: REPEAL

Any Gaming Ordinance which came before this Gaming Ordinance or amendments to any prior Gaming Ordinance are repealed and replaced by the enactment of this Gaming Ordinance.

**CERTIFICATION
ORDINANCE 02-01**

We the undersigned duly elected officials of the Big Sandy Rancheria Band of Western Mono Indians, certify under penalty of perjury that at on May 1, 2002 this Tribal Gaming Ordinance was adopted at a duly called meeting of the Tribal Council, with a quorum present, by a vote of: 2 for, 0 against, and 1 abstaining.

Wilbur Beecher
Wilbur Beecher, Tribal Chairperson

5-1-02
Date

ATTESTED BY:

Deather Sewell
Witness

5.1.02
Date