

**NATIONAL
INDIAN
GAMING
COMMISSION**

June 23, 1999

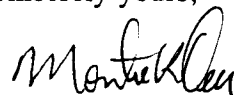
Leon Benner
Redding Rancheria
2000 Redding Rancheria Rd.
Redding, CA 96001

Dear Mr. Benner:

This letter responds to your request to review and approve the amendment to Redding Rancheria's tribal gaming ordinance submitted on March 29, 1999. The amendment to the ordinance was adopted by the Redding Rancheria Tribal Council on March 3, 1999. This letter constitutes approval of the amendment by the Chairman of the National Indian Gaming Commission (NIGC) under the Indian Gaming Regulatory Act (IGRA).

Thank you for submitting the amendments to the NIGC. The NIGC staff and I continue to look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,



Montie R. Deer
Chairman



MAR 29 1999

**ORDINANCE OF THE TRIBAL COUNCIL OF THE REDDING
RANCHERIA AMENDING GAMING ORDINANCE ADOPTED BY
THE GENERAL MEMBERSHIP**

AMENDED GAMING ORDINANCE 1998

The Redding Rancheria Indian Tribe, a federally recognized Indian Tribe ("Tribe") hereby enacts the following ordinance to regulate gaming activity for the tribe and to establish the Redding Rancheria Gaming Commission. The ordinance, shall be known as the "GAMING ORDINANCE 1998". This Ordinance revokes any prior Gaming Ordinances, this ordinance and any regulations promulgated thereunder shall constitute the entire gaming regulations for the Tribe.

Findings and Policy

Under Article V(1)(j) of the Constitution of the Redding Rancheria, the Tribal Council has the authority to incorporate into the Gaming Ordinance adopted by the General Membership the detailed procedures required by the Commission. It is in the public interest and will promote the general welfare of the Tribe to adopt a gaming ordinance that includes detailed procedures for investigating and licensing key employees and management officials and resolving gaming disputes. Therefore the Tribe amends the Gaming Ordinance adopted originally on December 30, 1989, amended in August 1994 to the following Ordinance adopted on June 30, 1998.

The Tribe finds that:

1. On December 30, 1989, the general membership of the Redding Rancheria adopted the Redding Rancheria Gaming Ordinance which provided generally for the key provisions regulating gaming on the Redding Rancheria.

2. The July 27, 1994 amendment to the Redding Rancheria Gaming Ordinance adopted by the General Membership provided for detailed procedures for investigating and licensing key employees and management officials and resolving gaming disputes. The Tribe now determines that a Gaming Commission called the "Redding Rancheria

Gaming Commission” will be created to insure that the detailed procedures will be followed and any other functions that are outlined in this Ordinance.

3. The Tribe reinforces the idea that gaming on the Reservation is a valuable means of generating revenues that are needed for economic development, to promote tribal self-sufficiency, economic development, employment, job training, and a strong tribal government, and to fund and ensure essential social programs and services;

4. The Tribe finds it of utmost importance to conduct certain forms of gaming to provide needed revenues to the Tribe. The Tribe feels that the integrity of the Tribe and the games it offers shall be regulated and controlled in such a manner that will protect: the Reservation, the environment, and the health, security, and general welfare of the Tribe, it’s members, the patrons, the employees, and the community; and

5. The Tribe desires to own all gaming on tribal lands, and to manage and regulate such gaming in a manner that will adequately address such special interests and needs of the Tribe.

NOW, THEREFORE, Tribal Council of the Redding Rancheria hereby ordains as follows:

Section 1. Purpose.

The purpose of this Ordinance is to establish regulations for gaming on the reservation and establish the Redding Rancheria Gaming Commission that will ensure the regulation of all gaming activity that the Tribe conducts.

Section 2. Definitions.

Unless specified otherwise, terms used herein shall have the same meaning as in IGRA, including but not limited to references to “Net Revenue,” “Class I,” “Class II,” and “Class III” gaming, and except for references to “Commissioners”, “Commission”, or “Gaming Commission” which shall mean the Redding Rancheria Gaming Commission or its Commissioners, established and described herein.

- a. *“Closely Associated Independent Contractor”* shall mean any contractor that shares common ownership, officers or directors with any management principal or person related thereto.

- b. *“Gaming”* shall mean an activity in which a person stakes or risks something of value on the outcome of a contest of chance or a future contingent event, not under his or her control or influence, upon an agreement or understanding that the person, or someone else, will receive something of value in

the event of a certain outcome, but shall not include bona fide business transactions.

c. *"Gaming Activities"* shall mean any Class I, Class II, or Class III gaming activity conducted by or under the jurisdiction of the Tribe.

I.. **"Class 1 Gaming"** means social games solely for prizes of minimal value or traditional forms of Indian gaming as part of Tribal ceremonies or celebrations.

II. **"Class 2 Gaming"** means:

(1) The games of chance known as bingo or lotto whether or not electronic, computer, or other technological aids are used in connection therewith, which are played for prizes, including monetary prizes, with cards bearing numbers or other designations, when objects, similarly numbered or designated, are drawn or electronically determined and the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards;

(2) If played in the same location as bingo, pull-tabs, punch board, tip jars, instant bingo, and other games similar to bingo;

(3) Non-banking card games that are:

i. Explicitly authorized by the laws of the State; or

ii. Not explicitly prohibited by the laws of the State and played at any location in the State, but only if such card games are played in conformity with laws and regulations of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games;

(4) Class 2 gaming does not include baccarat, blackjack, or electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.

III. **"Class III Gaming"** means all forms of gaming that are not Class 1 gaming or Class 2 gaming.

d. *"Gaming Commission"* shall mean the Redding Rancheria Gaming Commission, as established herein to monitor the Gaming activities, investigate wrongdoing, conduct background investigations, issue licenses, and perform other duties as required for the regulation of Gaming on the Rancheria.

e. “*Gaming Contractor*” shall mean any person or entity that supplies gaming devices or other gaming equipment, personnel, or services (including gaming management or consulting services) to any gaming activity or enterprise.

f. “*Gaming facility*” means the Win River Casino Bingo facility owned by the Tribe, or any other gaming activity conducted in the building and using the fixtures and equipment comprising Win River Casino Bingo or any other similar facility owned, operated or licensed by the Tribe and located on the Redding Rancheria.

g. “*General Membership*” shall mean the governing body of the Tribe as set forth in the Redding Rancheria Constitution.

h. “*Key Employee*” means:

(1) A person who performs one or more of the following functions:

- (a) Bingo Caller;
- (b) Money Room Supervisor;
- (c) Security Supervisor;
- (d) Floor Supervisor/ Manager
- (e) Custodian of Gaming Supplies or Cash;
- (f) Card Table Supervisor/ Manager;
- (g) Pit Boss;
- (h) Dealer;
- (I) Croupier;
- (j) Approver of Credit; or
- (k) Custodian of gambling devices including persons with access to cash and accounting records;

(2) If not otherwise included, the four most highly compensated persons in the gaming operation; or

(3) If not otherwise included, any other person employed in the gaming facility whose total compensation is in excess of \$50,000 per year;

At the discretion of the Gaming Commission, other positions or persons may be included as a key employee and subject to the same requirements.

i. “*National Indian Gaming Commission*” (“NIGC”) shall mean the commission established under IGRA.

j. “*Person*” shall mean any natural person or entity, including but not limited to corporations, partnerships and trusts.

k. “*Primary Management Official*” means:

(1) The person having management responsibility for a management contract; any

(2) Any person who has authority:

(a) to hire and fire employees;

(b) to set up working policy for the Gaming Enterprise;

(c) the Financial officer or other person who has financial management responsibility.

At the discretion of the Gaming Commission, other positions or persons may be included under and subject to the requirements for primary management officials.

l. “*Related to*” shall refer to persons who are related as a father, mother, sister, brother, son or daughter.

m. “*Reservation or Rancheria*” shall mean the particular 30.89 acres known as the Redding Rancheria located within the Redding city limits.

n. “*State*” shall mean the State of California.

o. “*Tribal Council*” shall mean the governing body of the Redding Rancheria as established by Article IV of the Constitution of the Redding Rancheria, adopted on January 6, 1986.

p. “*Tribal Court*” shall mean any court established by the Tribe to hear disputes or, if there is none, the Tribal Council.

q. “*Tribal Member*” shall mean any duly enrolled member of the Tribe.

Section 3. Ownership of Gaming.

The Redding Rancheria shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this Ordinance, except to the extent the Tribe may contract with and license a person or entity to own, operate or manage the enterprise pursuant to the provisions of IGRA and regulations promulgated thereunder, or as otherwise permitted by law.

Section 4. Establishment of Gaming Commission.

a. Establishment of Gaming Commission. The Tribe hereby establishes the Commission, acting under the authority of the Tribe, to be known as the Redding Rancheria Gaming Commission. The Gaming Commission shall be composed of (2) two Commissioners and (2) two staff persons. The Gaming Commissioners and staff persons will be hired in accordance with the Redding Rancheria Tribal hiring policies and procedures. The Gaming Commission will act as a regulatory body for the Tribal Council and is therefore established by the Tribal Council.

b. Disqualification's 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 Councilors of the Tribal Council under Article IV section 3 of the Constitution;
4. Persons who serve as Tribal Councilors.

c. Removal from Office: Commissioners will serve an initial 6 months probationary period at the end of which they will be reviewed by the Tribal Council. During this probationary period Commissioners may be removed pursuant to the Tribal Personnel Policies. After the six month probationary Commissioners may be removed pursuant to the Tribal Personnel Policies. Commissioners may also be removed from office by the General Membership for neglect of duty, malfeasance or other good cause shown by the same procedures as removing a Tribal Councilor outlined in the Redding Rancheria Constitution.

d. Quorum: Two (2) members of the Gaming Commission shall constitute a quorum.

e. Officers and Duties: The Gaming Commission shall select, by majority vote, a Chairperson, Vice-Chairperson and Secretary. The Chairperson shall preside over meetings of the Gaming Commission and the Vice-Chairperson shall preside in absence of the Chairperson. The Secretary shall record in writing the minutes of all Gaming Commission meetings and all official actions taken by the Gaming Commission.

f. Voting: All actions of the Gaming Commission shall be taken by majority vote. The Commission Chairperson may vote on any issue. In the event of a tie vote, the Tribal Chairperson shall break the tie.

g. Meetings: Official meetings shall be held at least once per month, at a predesignated time and place at the Tribal Office building at a designated location. Additional meetings shall be held as called by the Chairperson. Notice of meetings shall be given in writing to each Commissioner, served by first class mail or personal delivery at least five (5) business days prior to such meeting.

h. Compensation for Serving; Fringe Benefits; Reimbursement of Expenses: Commissioners shall be compensated for serving on the Commission at rates to be set by the General Membership after review and recommendation by the Tribal Council. Such rates shall be identical for all Commissioners. Increases may be allowed based on length of service. Commissioners shall be eligible for fringe benefits which are available to other employees of the Tribe to extent the provider of such benefits qualifies Gaming Commission positions for such benefits. Subject to approval by the Tribal 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 Gaming Commission duties at the same rate as the Tribe employees are reimbursed.

i. 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 wrongdoing 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, agreement, goods, services, events, incidents, or other matters related to 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 to, at minimum, all Key Employees and Primary Management Officials according to requirements at least as stringent as those in 25 C.F.R. parts 556 and 558;
5. 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;

6. Administer oaths or affirmations to witnesses appearing before the Gaming Commission;

7. Implement and administer a system for investigating, licensing and monitoring employees and others connected with Gaming Activities, as described below, including the issuance of licenses to gaming facilities, individuals and entities as required under this Act and IGRA;

8. Hear disputes against the gaming establishment, in accordance with the procedures established in this Act;

9. Hire such staff and support services as deemed necessary subject to a budget approved by the General Membership;

10. To the extent required, comply with any reporting requirements established under a tribal-state compact to which the Tribe is a party and other applicable law, including the IGRA;

11. Issue such regulations as it deems appropriate in order to implement the provisions of this Act;

12. To make available the official rules for each Class I, Class II, Class III game allowed under this Act; Such rules shall govern the conduct of such games; and

13. The Commission shall meet with the General Manager of the Casino once a month on a date to be mutually agreed upon by both parties to communicate any concerns from the prior month.

14. The Commission shall attend the monthly Tribal Council gaming meeting and report to the Tribal Council its activities the prior month.

j. Annual Reports: On or before April 30th of each year, the Gaming Commission shall provide to the Tribal Council an Annual Report summarizing its activities during the prior twelve (12) month period ending on December 31st, and accounting for all receipts and disbursements. The Tribal Council shall make available copies of the Annual Report to the General Membership within thirty (30) days after receipt.

Section 5. Permitted Gaming Activities.

a. Unauthorized Gaming Prohibited. All Gaming Activities on the Reservation (whether Class I, II, or III) are prohibited except as expressly authorized under this Act.

1. Class I Gaming: Class I Gaming Activities are hereby permitted to the extent consistent with tribal custom and practice. The Gaming Commission may prohibit and prevent any conduct which is claimed to be Class I Gaming pursuant to a finding that such conduct is not in accordance with tribal customs or practices or violates IGRA or any other law.

2. Class II and Class III Gaming: Class II and Class III gaming on the Reservation is hereby authorized, provided the Tribe has the sole proprietary interest in and responsibility for the conduct of any gaming enterprise, or to the extent the Tribe may contract with and license a person or entity to own, operate or manage the enterprise pursuant to the provisions of IGRA or as otherwise permitted by law. Nothing herein shall prohibit the Tribe from engaging the services of non-tribal persons as employees thereof or engaging any person or entity to assist the Tribe in the management of a gaming activity pursuant to a management agreement entered into under the provisions of IGRA. **Class III gaming shall be conducted in accordance with any tribal-state compact between the Tribe and the State, or any alternative thereto as provided by IGRA.**

Section 6. Offenses Related to Tribal Gaming.

Offenses related to Tribal Gaming shall be defined in order to protect the integrity of Tribal Gaming. The monitoring and enforcement of Tribal, Federal and State, if applicable, gaming laws and regulations is the responsibility of the Gaming Commission.

a. It shall be unlawful for licensees or those applying for a gaming license to perform specific acts that could result in a licensee or an applicant to be denied a gaming license or to have a gaming license suspended or revoked.

b. It is unlawful for an individual to knowingly make false statements on any gaming application and its attachments in order to obtain a license or to provide any false or misleading information to the Gaming Commission.

c. It is unlawful for a person that is responsible to keep books and records to falsify or alter the receipts, expenses, or revenues resulting from gaming conducted pursuant to this law.

d. It is unlawful for an individual to falsify any books and/or records which relate to any activities of the Tribal Gaming Commission and/or any rule or regulation adopted by the Commission or any terms of any license granted under this law.

e. It is unlawful for a licensee or any individual to employ any person to work in Redding Rancheria Gaming or to handle any of the proceeds of tribal gaming, unless such person is employed as a key employee, primary management or gaming employee and issued a license by the Gaming Commission.

f. It is unlawful for any licensee to willfully refuse to pay the winner of any game unless to do so is performed as part of such licensee's employment responsibilities.

g. It is unlawful for any employee who serves in a supervisory position, to solicit or accept any tip or gratuity from any player or patron at the premises where she/he is employed. A dealer may, however accept tips or gratuities from a patron at the table at which such dealer is conducting play, subject to the provisions of this law. All such tips or gratuities shall be immediately deposited in a lockbox reserved for that purpose, accounted for, and placed in a pool for distribution based upon criteria established in advance.

h. It is unlawful for an individual to fail to obtain the requisite gaming license to be employed, work, or otherwise act in a position whose duties would require a license pursuant to this law.

i. It is unlawful for any licensee to permit any person who is less than eighteen years of age to participate, play, place wagers, or collect winnings from any game or gaming machine.

j. It is unlawful for a gaming employee to participate as a player/patron or in a partnership with any person or employee during their regular hours of employment.

k. It is unlawful for any person to issue, suspend, revoke or renew a gaming license pursuant to this article for personal pecuniary, *monetary or otherwise*, gain or for anything of value.

l. It is unlawful for primary management, key employees, regulatory officers of the tribe to participate in any personal or competing business venture or a venture that undermines the enterprise, or utilizes expertise gained by virtue of their employment or service by Redding Rancheria, except by prior disclosure and approval by the Redding Rancheria Tribal Government.

m. It is unlawful for consultants, vendors, their associates or members of their immediate families to participate in any games in which they are or could be considered to be so directly related to a service or product that they could have some control over the outcome of the game.

n. It is unlawful for licensees, and regulatory officers to **extend credit or markers to or loan money to** another person for participation in any card game and/or video lottery terminal while on the premises of any gaming operation.

o. It is unlawful for any person, whether an employee or player in a gaming operation to cheat at any gaming activity. For purposes of this section, "**cheating**" shall mean to alter the selection of criteria which determine the result of a game, or the amount of frequency of payment in a game. It is therefore unlawful to:

I. Knowingly conduct, carry on, operate, or deal or allow to be conducted, carried on, operated, or dealt any cheating or thieving game or device;

II. Knowingly deal, conduct, carry on, operate or expose for play any game or games played with cards or any mechanical device, or any combination of games or devices, which have in any manner been marked or tampered with or placed in a condition or operated in a manner the result of which tends to deceive the public or tends to alter the normal random selection of characteristics or the normal chance of the game which could determine or alter the result of the game.

III. To be present on Redding Rancheria Gaming premises intending to use or possessing any device to assist in:

1. Projecting the outcome of the game;
2. Keeping track of the cards played; and/or
3. Analyzing the probability of the occurrence of an event relating to the game.

r. It is unlawful for any individual or group of individuals to commit the following acts:

I. To alter or misrepresent the outcome of a game or other event in which wagers have been made after the outcome is verified but before it is revealed to the players.

II. To place, increase, or decrease a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome or which is the subject of the bet or to aid anyone in acquiring such knowledge for the purpose of placing, increasing, or decreasing a bet or determining the course of play contingent upon that event or outcome.

III. To claim, collect, or take, or attempt to claim, collect, or take, money or anything of value in or from a gaming activity with intent to defraud and without having made a wager contingent thereon, or to claim, collect, or take an amount greater than the amount won.

IV. Knowingly entice or induce another to go to any place where tribal gaming is being conducted or operated in violation of the provisions of this section, with the intent that the other person play or participate in the gaming activity.

V. To past-post or press bets to place or increase a bet after acquiring knowledge of the outcome of the game or any other event which is the subject of the bet.

VI. Pinching bets to reduce the amount wagered or to cancel a bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet.

VII. To manipulate, with the intent to cheat, any component of a gaming device in a manner contrary to the designed and normal operational purpose for the component, including, but not limited to, varying the pull of the handle of a slot machine, with knowledge that the manipulation affects the outcome of the game or with knowledge of any event that affects the outcome of the game.

VIII. To, by any trick or slight of hand performance, or by fraud or fraudulent scheme, cards, or device, for himself or another, win or attempt to win money or property or a representative of either or reduce a losing wager or attempt to reduce a losing wager in connection with gaming.

IX. To conduct any gaming operation without a valid authorization.

X. To place any games authorized by these regulations or gaming machines into play or display such games or machines without the authorization of the Gaming Commission.

XI. It is unlawful for individuals or groups of individuals to use or possess certain unlawful devices or means, equipment, products, or materials or counterfeit or unapproved chips or tokens, or unlawful coins, as described below:

a. It is unlawful for any licensee, employee, or other person to use counterfeit chips in any gaming activity.

b. It is unlawful for any person, while playing or using any gaming machine/device designed to be played with, or to receive, or to be operated by chips or tokens not approved by the Gaming Commission or not lawfully designated by the Tribe and/or;

1. Knowingly use anything other than chips or tokens approved by the Gaming Commission or lawful coin, legal tender designated by the Tribe, or to use coin not of the same denomination as the coin intended to be used in that limited gaming activity; or

2. To use any device or means to violate the provisions of these regulations.

c. It is unlawful for any person to possess any device, equipment, or material which they know has been manufactured, distributed, sold, tampered with, or serviced in violation of the provisions of these regulations.

d. It is unlawful for any person, not a duly authorized employee of a licensee acting in furtherance of his or her employment within an establishment, to have on his or her person or in his or her possession any device intended to be used to violate the provisions of these regulations.

e. It is unlawful for any individual or group of individuals not duly authorized licensees acting in furtherance of his or her employment any key or device known to have been designed for the purpose of and suitable for opening, entering, or affecting the operation of any gaming activity, drop box, or electronic or mechanical device connected thereto, or for removing money of other contents therefrom.

s. It is unlawful to manufacture, sell or distribute any cards, chips, games or devices which are intended to be used to violate any provision of these regulations.

t. It is unlawful to mark, alter, or otherwise modify any associated equipment or gaming device in a manner that:

1. Affects the result of a wager by determining win or loss;
2. Alters the normal criteria or random selection, which affects the operation of a game or which determines the outcome of a game.

u. It is unlawful for any person to instruct another in cheating or in the use of any device for that purpose, with the knowledge or intent that the information or such use, so conveyed, may be employed to violate any provision of these regulations.

v. It is unlawful for any individual to provide any false or misleading information under the provisions of these regulations.

- w. It is unlawful for illegal drugs to be allowed on tribal premises where gaming is conducted.
- x. Unlawful acts may result in judgments and penalties of fines, exclusion, garnishments, suspension or revocation of licenses.
- y. Should an individual be considered in violation of an unlawful act, he/she may request a hearing before the Tribal Gaming Commission.
- z. Anyone caught possessing and/or using illegal drugs shall be removed from the premises and barred from participating in any gaming activity on tribal premises. Violators may be subject to criminal prosecution.

Section 7. Gaming Revenues.

a. Tribal Property: Except as provided for under the terms of an agreement pursuant to the provisions of IGRA or as otherwise permitted by law, all revenues generated from any Class II or Class III gaming activity are the property of the Tribe. Any profits or net revenues from Gaming Activities shall be deposited into the Tribe's Program account and Per capita account. Upon being deposited into these accounts funds shall lose any identity as gaming revenues except to the extent necessary to identify them as such in order to comply with applicable law. Tribal Members shall be deemed to have an interest in such profits or net revenues only to the extent provided in Redding Rancheria Ordinance Article 2 - USE OF GAMING REVENUES, also known as the Distribution Ordinance, which provides the General Members per capita. Provided per capita meets the requirements of IGRA, 25 U.S.C. 2710 (b) (3). Payments from the Tribal Program account to Tribal Members, including those related to health, welfare, education, elderly care, and housing, shall not be deemed to be per capita payments.

b. Permissible Use of Net Revenue. Net Revenues from Gaming Activities shall not be used for purposes other than:

1. To provide per capita payments to Redding Rancheria members;
2. To fund Rancheria government operations or programs;
3. To provide for the general welfare of the Redding Rancheria and its members;
4. To promote Redding Rancheria economic development;
5. To donate to charitable organizations;

Section 8. Operation of Gaming Establishments.

a. Gaming Permitted as Licensed: Except to the extent authorized by an agreement pursuant to the provisions of IGRA or as otherwise permitted by law, Gaming Activities shall only be conducted in tribally owned, operated, and licensed facilities pursuant to the provisions of this Act. Such activities shall be conducted in accordance with the terms and conditions of any license issued by the Tribe. Each facility must be individually licensed before any Gaming Activities may occur therein. Such licenses shall specify the hours of operation, type and scope of Gaming Activities allowed therein, permitted uses of the facility for other activities, rules of conduct for employees and patrons, regulation of alcoholic beverages, food handling and entertainment, and such other matters as the Gaming Commission or the General Membership may deem necessary to conduct Gaming Activities in the facility.

b. Protection of Environment and Public. Any construction or maintenance of any gaming facility, and the operation of gaming therein, shall be conducted in a manner which adequately protects the environment and the public health and safety.

c. Dispute Resolution. Patron/Employee dispute resolution is outlined separately in Section 13 of this Ordinance.

Section 9. Audits.

The Tribal Council shall contract with a qualified Certified Public Accountant ("CPA") or firm of CPAs to conduct annual independent audits of all Class 2 and Class 3 gaming. It will furnish a copy of the audit to the Commission and also to any Redding Rancheria member who requests a copy.

All contracts for services, supplies or concessions to gaming facilities for a contract amount in excess of \$25,000 annually (except contracts for professional legal or accounting services), shall be subject annually to independent audit by a CPA or firm of CPAs engaged by the Tribal Council.

Section 10. Construction and Maintenance of Gaming Facility.

a. The construction, maintenance and operation of the gaming facility will be conducted in a manner which adequately protects the environment, public health and safety.

Section 11. Licenses for Key Employees and Primary Management Officials.

a. Licensing Requirements: It is the declared policy of the Tribe that all Gaming Activities be licensed and controlled so as to protect the morals, good order and welfare of Tribal Members and other persons on the Reservation and to preserve the honesty, fairness and integrity of such Gaming Activities. Accordingly, no person shall engage in any Class II or Class III Gaming Activities on the Reservation without an appropriate and valid independent Class II or Class III license issued by the Gaming Commission. Any gaming license which is issued, or finding of suitability or approval by the Gaming Commission, shall be deemed a privilege subject to suspension or revocation. No license shall be issued that would place the Tribe in violation of any tribal-state compact to which the Tribe is a party, or of any applicable law.

b. Burden on Applicant: The burden of proving an applicant's qualification to receive any license under this ordinance is at all times on the Applicant. Applicants must accept any risk of adverse public notice, embarrassment or other action which may result from the application process and expressly waive any claim for damages as a result thereof.

c. Applicant Claim of Privilege: An applicant may claim any privilege afforded by law in connection with a gaming license application or investigation, but a claim of privilege with respect to any testimony or evidence pertaining thereto may constitute sufficient grounds for denial, suspension or revocation.

d. Release of Information: All persons applying for a license shall agree to release all information necessary in order for the Gaming Commission to achieve its goals under this section, and to furnish such information to the Bureau of Indian Affairs, the NIGC, or such other governmental agency as may be required by law.

e. Types of Licenses: Three classes of licenses (Class A, Class B, and Class C) shall be issued to persons associated with Gaming Activities. The Gaming Commission may also require and issue, in its sole discretion, a Class D license to any person or entity associated with other tribal businesses that are not part of the gaming facility or operated in conjunction therewith.

1. **Class A Licenses**: Before permitting any person to become permanently associated with the Gaming Activities as an investor or other person owning or controlling 10% or more of any interest in any management entity, or any Primary Management Official, Key Employee, closely Associated Independent Contractor, or other individual or entity with influence over the management or operation of the gaming, or a Class II or III gaming employee, supplier, manufacturer or distributor, such person shall obtain a Class A license. The Gaming Commission shall conduct or cause to be conducted a background investigation to determine if such person has:

a. Any criminal record or any reputation, prior activities, habits or associations which might pose a threat to the public interest or to the effective regulation of gaming

b. Anything else in their background which might create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming.

Persons who do not meet the above qualifications shall be denied a Class A license.

2. **Class B Licenses:** Persons who are not among those identified in subsection (1) above, but are to be employed at a gaming facility on the Reservation in some other capacity, such as in non- gaming related activities, shall be required to obtain a Class B license from the Gaming Commission. Such persons must establish that they have not been convicted of a crime, or engaged in any activity, which the Gaming Commission in its sole discretion deems would render such person a danger to the safety or integrity of the Gaming Activities or the safety or property of the Tribe, any tribal member, any gaming employee or patron, or the public.

3. **Class C License:** Minors (persons under 18 years of age) employed at a gaming facility on the Reservation may be issued a Class C license, which will entitle them to work in any position for which a Class B license is required for adults and not otherwise prohibited by law, provided such minors are not deemed by the Gaming Commission to pose any threat to the safety or integrity of the Gaming Activities or the safety or property of the Tribe, any Tribal Member, any gaming employee or patron, or the public. The Class C license shall be valid for no more than six (6) months before renewal, and shall be revoked upon the minor's reaching the age of 18, at which time a Class A or B license, as may be appropriate, will be required. Minors shall not be employed as dealers or otherwise to operate or supervise the operations of games, or to serve liquor.

f. Temporary Licenses: Pending completion of an investigation for a license, temporary licenses of no more than ninety (90) days duration may be issued by the Gaming Commission if in its sole discretion it deems it appropriate to do so. Such licenses shall permit the licensee to engage in such activities and pursuant to such terms and conditions as may be specified by the Gaming Commission. Such temporary licenses shall expire ninety (90) days from date of issuance, upon issuance of a regular license, or until an earlier specified expiration date, whichever occurs first.

g. License Fees: Unless specifically waived by the Gaming Commission, all license applicants shall be required to pay all applicable license fees and cost when due, including a reasonable deposit for costs incurred in obtaining information in connection with the license application. Applicants who are Tribal Members will not be charged a license fee or costs. Estimates of licensing costs shall be provided to applicants upon reasonable request. Payment for all fees and costs must be received by the Gaming Commission prior to issuance of the license.

h. Application forms.

(1) All key employees and management officials employed by the gaming facility on the effective date of this Ordinance or seeking employment with or hired to work in the gaming facility after the effective date of this Ordinance must complete an application for a license within thirty (30) days of the effective date of this Ordinance or the date they submit an application for employment, whichever is later.

(a) The Gaming Commission may establish a standard application form which will elicit all of the information required by subsection c (1).

(b) The Gaming Commission may establish a fee for the cost of processing an application for employment and/or a license which may include the cost of processing fingerprints (including the Commission's charges for processing fingerprints) and conducting a background investigation.

(2) 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 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 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.

(3) 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.

(4) 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. (U.S. Code, Title 18, Section 1001.)

(5) The Gaming Commission 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.

I. Background Investigations.

(1) The Gaming Commission 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 five (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 addresses of at least three 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, 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. Any other information the Tribe deems relevant; and

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

(2) The Gaming Commission shall conduct an investigation sufficient to make a determination under subsection d below. In conducting a background investigation, the Tribe or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

(3) In conducting its investigation, the Gaming Commission shall take the following steps to process fingerprint cards of applicants for employment in a gaming facility and for a license as a key employee or management official.

a. The Gaming Commission Chairperson shall execute the Memorandum of Understanding ("MOU") furnished by the NIGC governing the treatment of fingerprints.

b. The Gaming Commission shall notify the NIGC that the Shasta County Sheriff's Department ("Department") will be taking the fingerprints for the Tribe and shall notify the NIGC of the currently designated contact person at the Department. In addition, the Gaming Commission should indicate the number of cards which the NIGC should send to the Tribe, making allowances for lost or damaged cards.

c. The Gaming Commission shall provide the NIGC with current and periodically updated lists of individuals whose fingerprint cards the NIGC will be receiving from the Department and shall pay the NIGC's established fees for processing the cards. The lists should also contain the Social Security Number and the date of birth of each listed individual and the name of the law enforcement agency/office taking the fingerprints.

d. Once fingerprints have been taken, the agency taking the prints should forward the completed cards directly to the NIGC. The NIGC will process only those cards received directly from a law enforcement agency.

e. Upon receipt of the FBI report forwarded by the NIGC, the Gaming Commission will complete the background investigation.

j. Eligibility Determination.

The Gaming Commission shall review a person's prior activities, criminal record, if any, reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming facility. 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 facility shall not employ that person in a key employee or primary management official position, or issue a license to that employee.

k. Report to the *National Indian Gaming Commission*.

(1) Within sixty (60) days after an employee begins work for the gaming facility or within sixty (60) days of the effective date of this Ordinance, whichever is later, the Gaming Commission shall prepare and forward to the NIGC 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 basis for those conclusions.

(2) The Gaming Commission 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 Gaming Commission:

- (a) Shall notify the NIGC; and
- (b) May forward copies of its eligibility determination and investigative report (if any) to the NIGC 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 Commission or his or her designee for no less than three (3) years from the date of termination of employment.

l. Granting a Gaming License.

(1) If, within a thirty (30) day period after the NIGC receives a report, the NIGC notifies the Gaming Commission that it has no objection to issuance of a license pursuant to a license application filed by a key employee or a primary

management official for whom the Gaming Commission has provided an application and investigative report to the NIGC, the Gaming Commission may issue a license to such applicant.

(2) The Gaming Commission shall respond to a request for additional information from the Chairman of the NIGC 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 l(1) of this section until the Chairman of the NIGC receives the additional information.

(3) If, within the (30) day period described above, the NIGC provides the Gaming Commission with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Gaming Commission has provided an application and investigative report to the NIGC, the Gaming Commission shall reconsider the application, taking into account the objections itemized by the NIGC. The Gaming Commission shall make the final decision whether to issue a license to such applicant.

m. License Suspension.

(1) If, after the issuance of a gaming license, the Gaming Commission receives from the NIGC reliable information indicating that a key employee or a primary management official is not eligible for employment under subsection j above, Gaming Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

(2) The Gaming Commission shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license. The hearing shall be conducted by the Tribal Council. The licensee shall be given not less than ten (10) days' prior notice of the date, time and location of the hearing. The licensee shall have the right to be represented at the hearing. The technical rules of evidence shall not apply and any evidence of the type relied upon by reasonable men in the conduct of serious affairs may be considered by the Tribal Council. The licensee may present testimony and other evidence and may cross-examine any other witnesses testifying at the hearing. The Tribal Council shall base its decision exclusively on the evidence presented at the hearing and may uphold, modify or reverse the proposed revocation. The Tribal Council shall issue a written decision and serve a copy on the licensee.

Section 12. Enforcement and Public Safety.

The Gaming Commission shall adopt such additional rules and regulations and take or authorize such enforcement actions as it deems necessary to ensure full compliance with the provisions of this Ordinance. The Gaming Commission is hereby authorized to cooperate with local, state and federal law enforcement officials to the

extent deemed necessary by the Gaming Commission to ensure that gaming complies with all applicable laws and that persons engaged in gaming do not commit any illegal acts that could endanger persons or property.

Section 13. Public/Patron Disputes.

If any customer or member of the general public has a dispute with the manager of a gaming facility or the Tribe, it shall be resolved using the following procedure.

Any gaming facility manager and the Tribe must endeavor to resolve disputes at the lowest level of management possible. Toward that end, any dispute involving gaming must be presented using a multi-step process.

Step 1: If a patron has a complaint involving the conduct of a game or his or her treatment at the facility, he or she must discuss the matter with the employee involved in the incident. The employee must listen carefully and courteously to the patron's complaint. All employees shall receive training in customer relations. If the employee fails to resolve the complaint to the customer's satisfaction or lacks the authority to remedy the complaint, he or she shall immediately contact his or her immediate supervisor, if available, or the floor manager.

Step 2: If the supervisor or floor manager fails to resolve the dispute to the customer's satisfaction or lacks the authority to remedy the complaint, he or she shall refer the complaint to the gaming facility manager. The supervisor or floor manager shall also notify security. If a customer is referred to the gaming facility manager, the gaming facility manager shall interview the customer and, if necessary, the involved employee(s) and shall make a decision within a reasonable time, not to exceed, five (5) working days. The manager shall obtain the customer's name, address and telephone number. The manager shall notify the customer that if he or she remains dissatisfied, he or she can request in writing review to be heard by the Tribal Gaming Commission within seven (7) working days of the manager's decision.

Step 3: The Gaming Commission shall review the customer's written appeal and may interview the customer, the manager and any involved employees. The written appeal must include all information the customer wants the Gaming Commission to consider in acting on the appeal. The appeal must be presented in person or postmarked within seven (7) working days of the date on the Casino Management's decision.

The Gaming Commission shall conduct a hearing within fifteen (15) working days of receiving the customer's appeal. The Casino Management and the Patron/Employee shall be present at the hearing. The detailed procedures of the hearing shall be sent to the Patron/Employee upon receipt of their written request to appeal the management decision.

After conducting the hearing the Tribal Gaming Commission shall issue a written decision within five (5) working days of the hearing which decision will be final. The written decision shall outline the reasons why the Tribal Gaming Commission issued such decision.

All written notices and decisions shall be sent by certified registered mail to the Patron/Employee at the address furnished by the customer. The time limits for complainants shall be calculated from the date appearing on the notices or decisions, provided these items are mailed on that date. The time limits for tribal officials shall be calculated from the postmarks appearing on the envelopes containing the appeals.

Section 14. Investment and Management Contract.

a. The terms of any gaming management contract shall not contravene any provision of the IGRA.

No gaming management contract may be assigned without the prior written approval of the Tribal Council. Such approval may be withheld without any reason given.

Section 15. Preference.

Any management and investment gaming contracts must make provision for the preferential hiring firstly, of Redding Rancheria members and then, secondly, of American Indian people from the Redding and surrounding areas for jobs in the construction and operation of any gaming facilities or activities.

Section 16. Scope and Licensing.

Class 2 gaming is covered by the provisions of this Ordinance.

(1) A separate license for each gaming place, facility or location on Redding Rancheria lands is required where Class 2 gaming is conducted, for any gaming facility in which the Tribe does not have the sole proprietary interest.

(2) This Ordinance shall be made applicable to Class 3 gaming to the extent of the Tribe entering into a compact with the State of California authorizing Class 3 gaming on the reservation.

Section 17. Contracts.

a. **Bidding:** Contracts relating to gaming or any gaming facility over \$25,000 or for more than five (5) years shall be subjected to a formal, sealed bidding process prior to hiring established under the *Tribe's Fiscal Policies*. All reasonable

attempts shall be made to obtain and consider at least three (3) responsible bids; provided, the Gaming Commission may waive the requirements for three bids upon good cause shown.

b. Audit Requirements. All contracts for supplies, services, or concessions for a contract amount in excess of \$25,000 annually (except contracts for professional legal or accounting services) relating to Class II or Class III gaming on the Reservation shall be subject to independent audits, and such contracts shall so specify.

Section 17. Interest in Management Contracts by Tribal Officials.

No elected official of the Tribe, including the Gaming Commission or any other committee or agency of the Tribe, shall have a financial interest in or management responsibility for, any management agreement entered into pursuant to IGRA, nor shall such elected official serve on the board of directors or hold (directly or indirectly) ten percent (10%) or more of the issued and outstanding stock of any corporation, or 10% or more of the beneficial interest in any partnership, trust, or other entity, having a financial interest in, or management responsibility for, such contract.

Section 18. Service of Process.

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

Section 19. Code of Ethics.

The Tribal Gaming Commission will be held to the highest ethical standards including but not limited to the Redding Rancheria Ethics Policy. The Tribal Gaming Commission will be expected to know and understand the Tribal Ethics Policy and expected to follow it.

Certification

We, the undersigned duly elected officials of the Redding Rancheria, do hereby certify that the foregoing Ordinance was adopted at a duly called meeting of the Tribal Council of the Redding Rancheria with a quorum present by a vote of _____ for, _____ against, _____ abstaining and _____ absent.

Leon Benner
Redding Rancheria, Chairperson

Dated: 3-3-99

Redding Rancheria, Secretary

Dated: _____

- Present Council
1. Leon Benner
 2. Tracy Edwards
 3. Don Benner
 4. Patty Spaulding
 5. Debra Sarot
 6. Hope Wilkes
 7. Bob Foreman Sr.
 - # 1. Alt. Bobby Foreman Jr.
 - # 2. Alt. Gary Hayward
 - # 3. Alt. Brenda Spidle