

GAMING FACILITY STANDARDS ORDINANCE
Of The Hoopa Valley Tribe

Title 65

ORDINANCE NO: 04-00

DATE APPROVED: July 20, 2000

SUBJECT: Gaming Facility Standards Ordinance

WHEREAS: The Hoopa Valley Tribe adopted its Constitution and Bylaws on June 20, 1972, approved by the Commissioner of Indian Affairs on August 18, 1972, confirmed and ratified by the United States Congress in October, 1988, in Public Law 100-580, the Hoopa-Yurok Settlement Act, and thereafter amended on June 18, 1996;

WHEREAS: The Hoopa Valley Tribal Council is the governing body of the Hoopa Valley Tribe;

WHEREAS: The Hoopa Valley Tribal Council is authorized to promulgate and enforce ordinances governing the conduct of members and nonmembers of the Hoopa Valley Indian Tribe;

WHEREAS: The Hoopa Valley Tribe and the State of California entered into a tribal-state gaming compact pursuant to the Indian Gaming Regulatory Act (25 U.S.C. § 2701 *et seq.*) in September, 1999;

WHEREAS: The voters of California approved Proposition 1A on March 7, 2000 thereby amending the California Constitution to authorize the scope of gaming contained in the tribal-state gaming compact;

WHEREAS: The tribal-state gaming compact at Section 10.2 requires the Tribe to adopt and comply with various standards; including, food and beverage handling standards; federal water quality and safe drinking water standards; federal workplace and occupational health and safety standards; to comply with tribal codes and other applicable federal law regarding public health and safety; general anti-discrimination in employment laws; state laws prohibiting a gaming enterprise from cashing certain types of checks; state laws regarding gratuitous or reduced price alcoholic beverages or food or lodging; state laws regarding extensions of credit; and possession of firearms;

WHEREAS: The tribal-state gaming compact states that if a tribe fails to adopt tribal or applicable federal standards described above, the state statute or regulation will become the applicable standard by default;

NOW, THEREFORE, BE IT RESOLVED THAT: the enactment of this Ordinance promotes the public health, safety, and welfare and is in the public interest.

BE IT FURTHER RESOLVED THAT: the Tribal Council hereby adopts the following Ordinance in order to comply with the requirements of the tribal-state gaming compact.

§ 65.1 SHORT TITLE

This Ordinance shall be known as the Gaming Facility Standards Act or Title 65.

§ 65.2 SCOPE

The scope of application of this Ordinance shall be limited to the Lucky Bear Casino or any other Class III gaming facility operated under any Class III gaming compact between the Tribe and the State of California.

§ 65.3 PURPOSE

The purpose of this Ordinance is to address the various standards, laws, and regulations required by the tribal-state compact ("Compact") in Section 10.2 of the Compact.

§ 65.4 DEFINITIONS

65.4.1 "Council" means the Hoopa Valley Tribal Council as established by the Hoopa Valley Tribal Constitution and Bylaws.

65.4.2 "Tribe" shall mean the Hoopa Valley Tribe, its departments and entities.

§ 65.5 FOOD AND BEVERAGE HANDLING

The Tribe hereby adopts, incorporates by this reference and makes applicable to all gaming facilities operated under any Class III gaming Compact between the Tribe and the State of California standards no less stringent than the public health standards of the State of California for food and beverage handling. The Tribe hereby delegates to the Hoopa Valley Tribal Gaming Commission all necessary authority to adopt appropriate regulations and enforce said standards, subject to prior approval by the Tribal Council.

§ 65.6 WATER QUALITY STANDARDS

The Tribe hereby adopts, incorporates by this reference and makes applicable to all gaming facilities operated under any Class III gaming Compact between the Tribe and the State of California federal water quality and safe drinking water standards applicable in California. The Tribe hereby delegates to the Tribal Environmental Protection Agency working in conjunction with the Public Utilities District all necessary authority to adopt appropriate regulations and enforce said standards, subject to prior approval by the Tribal Council.

Nothing herein shall serve to override any authority now contained in or granted by any Self-Governance Compact between the Tribe and the Department of the Interior, Indian Health Services, or any designation of Treatment as a State by the Environmental Protection Agency.

§ 65.7 BUILDING & SAFETY CODE STANDARDS

The Tribe previously adopted the Uniform Building Code as Title 26 of the Hoopa Valley Tribal Code.

§ 65.8 WORKPLACE AND OCCUPATIONAL HEALTH & SAFETY STANDARDS

The Tribe hereby adopts, incorporates by this reference and makes applicable to all gaming facilities operated under any Class III gaming Compact between the Tribe and the State of California workplace and occupational health and safety standards no less stringent than those established under federal law. The Tribe hereby delegates to the Hoopa Valley Tribal Gaming Commission and the Tribal Employment Rights Commission working cooperatively and as appropriate, all necessary authority to adopt appropriate regulations and enforce those standards.

Nothing in this section shall serve to override the Tribal Employment Rights Ordinance and enforcement of any regulations promulgated pursuant to this section shall be accomplished before the Tribal Employment Rights Commission in accordance with its rules.

§ 65.9 HEALTH & SAFETY STANDARDS

The Tribe hereby adopts as Tribal standards all relevant federal health and safety standards for which there is not express Tribal standard and for which there is a comparable State standard that would apply to the Tribe's gaming facilities by default in the absence of a Tribal standard.

§ 65.10 INDIAN PREFERENCE

All gaming facilities operated under any Class III gaming Compact between the Tribe and the State of California shall not discriminate in the employment of persons to work for the Gaming Operation or Facility on the basis of race, color, religion, national origin, gender, sexual orientation, age, or disability, provided, that nothing herein shall override or repeal the provisions of the Tribal Employment Rights Ordinance regarding Indian Preference. It is the policy of the Tribe to grant Indian Preference in hiring, promotion and retention, all subject to meeting or being capable of meeting minimum job qualifications. Any alleged violations of this section shall be subject to the jurisdiction of the Tribal Employment Rights Commission and any claims shall be brought in accordance with the Tribal Employment Rights Ordinance and the rules or regulations of the Tribal Employment Rights Commission.

§ 65.11 CHECK CASHING

All gaming facilities operated under any Class III gaming Compact between the Tribe and the State of California shall not cash any check drawn against a federal, state, county, or city

fund, including but not limited to, Social Security, unemployment insurance, disability payments or public assistance payments.

§ 65.12 ALCOHOLIC BEVERAGES

All gaming facilities operated under any Class III gaming Compact between the Tribe and the State of California shall comply with applicable standards for service of alcoholic beverages, including any applicable licensing requirements and prohibitions against serving of complimentary alcoholic beverages to patrons.

§ 65.13 EXTENSION OF CREDIT

All gaming facilities operated under any Class III gaming Compact between the Tribe and the State of California shall not extend credit to patrons except in accordance with regulations promulgated by the Hoopa Valley Tribal Gaming Commission and approved by the Tribal Council which shall be no less stringent than the laws of the State of California, if any, prohibiting the extension of credit.

§ 65.14 BANK SECRECY ACT

All gaming facilities operated under any Class III gaming Compact between the Tribe and the State of California shall comply with the applicable provisions of the Bank Secrecy Act, all applicable reporting requirements of the Internal Revenue Service regarding casinos, and any applicable Minimum Internal Control Standards promulgated by the National Indian Gaming Commission.

§ 65.15 POSSESSION OF FIREARMS

The Tribe officially declares its policy of permitting law enforcement officers of the Hoopa Valley Tribal Police Department and qualified security personnel to carry firearms on the premises of Tribal gaming facilities, provided that all other persons are prohibited from possessing firearms on the premises of Tribal gaming facilities.

§ 65.16 SEVERABILITY

If any part of this Ordinance is held to be invalid the remainder shall remain in full force and effect to the maximum extent possible.

§ 65.17 SOVEREIGN IMMUNITY

Nothing in this Ordinance shall be deemed to waive the sovereign immunity of the Hoopa Valley Tribe or any of its enterprises, officers, agents, or employees, except to the extent of insurance coverage in effect at the time of the accrual of the claim provided that nothing herein shall authorize the award of attorney's fees or punitive damages as against the Hoopa Valley Tribe or any of its enterprises, officers, agents, or employees.

§ 65.18 EFFECTIVE DATE, AMENDMENT

This Ordinance shall take effect upon its adoption by the Council and in no event later than 30 days after the effective date of the Compact. This Ordinance may be amended as provided in accordance in the Legislative Procedures Act and as such Act is hereafter amended.

CERTIFICATION

I, the undersigned as Chairman of the Hoopa Valley Tribal Council, do certify that the Hoopa Valley Tribal Council is composed of eight (8) members of which seven (7) were present, constituting a quorum, at a regular meeting thereof, duly and regularly called, noticed, convened and held this July 20, 2000; and that this Ordinance was adopted by a vote of six (6) for; none (0) opposed; and none (0) abstaining, and that since approval, this Ordinance has not been rescinded, amended, or modified in any form.

Dated this 20th day of July, 2000



DUANE J. SHERMAN, SR., Chairman
Hoopa Valley Tribal Council

Attest:



Darcy Baldy, Executive Secretary
Hoopa Valley Tribal Council