



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 04-10 Of the SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises, and its agencies by authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; and

WHEREAS, the Tribe is a federally-recognized Indian Tribe possessing reserved powers, including the powers of self-government; and

WHEREAS, under the Constitution, Bylaws and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of tribal members, and with protecting and managing the lands and treaty resources and rights of the Tribe; and

WHEREAS, the Squaxin Island Tribal Council has been entrusted with the creation of ordinances and resolutions in order to fulfill their duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe; and

WHEREAS, the Squaxin Island Tribal Council finds that regulation of gaming on all lands within the jurisdiction of the Squaxin Island Tribe is essential to the health and welfare of the Squaxin Island Tribe and its members; and

WHEREAS, the Squaxin Island Tribal Council further finds that the Squaxin Island Gaming Ordinance (Squaxin Island Tribal Code, Chapter 6.08) does not accurately reflect the Tribal Council's intent that the Ordinance apply to all lands within the jurisdiction of the Squaxin Island Tribe; and

WHEREAS, the Squaxin Island Tribal Council intended to correct Chapter 6.08 when it adopted Resolution 03-99, but has since learned that the provisions of that Resolution do not meet requirements of the National Indian Gaming Commission;

NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby repeals Resolution 03-99; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Squaxin Island Tribal Council hereby adopts the following revisions to the Squaxin Island Gaming Ordinance, effective immediately:

6.08.040 Policy.

A. Proprietary Interests. The Squaxin Island Tribe shall have the sole proprietary interest, authority and responsibility for the conduct of any Class II gaming conducted on the ~~reservation~~ Indian lands and shall have the sole proprietary interest and responsibility for the conduct of any Class III gaming conducted on the ~~reservation~~ Indian lands.

B. Use of Gaming Revenues. The net revenues of any tribal Class II and Class III gaming are not to be used for purposes other than:

1. To fund tribal governmental operations or programs;
2. To provide for the general welfare of the Tribe and its members;
3. To promote tribal economic development;
4. To donate to charitable organizations; or
5. To help fund operations of local government agencies.

C. Prohibition on Per Capita Payments. The net revenues from gaming activities may be used to make per capita payments to members of the Tribe if done so in accordance with IGRA Section 2710(b)(3).

D. Annual Audits. Annual outside independent certified audits of Class II and Class III gaming conducted by the Tribe pursuant to the provisions of a tribal-state compact shall be caused to be produced and the results of those audits shall be submitted to the National Indian Gaming Commission and made available to any federal agencies authorized by federal law to obtain copies of the results of those audits. Such audits shall be deemed to be confidential and proprietary information and not subject to disclosure without the express written approval of the commission.

E. Gaming Related Contracts. All gaming related contracts that result in purchases of supplies, services or concessions for more than twenty-five thousand dollars (\$25,000.00) annually, except contracts for professional, legal or accounting services, shall be included within the scope of the independent audits conducted under subsection D of this section.

F. Background Investigations and Licensing. The Tribe shall perform background investigations and issue licenses according to the requirements of Section 6.08.080, which shall be at least as stringent as those required by federal law, including 25 CFR Parts 556 and 558.

G. License Required. The Tribe shall issue a separate license to each place, facility or location on Squaxin Island lands where the Tribe elects to allow either Class II or Class III gaming.

H. Environmental, Public Health and Safety Protection. The Tribe shall construct and maintain the gaming facilities and operate Class II and Class III gaming in a manner which adequately protects the environment and the public health and safety.

I. Cooperation with Law Enforcement. Tribal officials may cooperate with law enforcement officials of the state of Washington, the Bureau of Indian Affairs, the Federal Bureau of Investigation, and other law enforcement agencies, when it is deemed to be in the best interest of the Tribe to assure that fair, honest and efficient gaming activities are conducted by

the Tribe and, as to Class III gaming, such law enforcement activities and responsibilities shall be consistent and in accordance with the provisions of a tribal-state compact. (Res. 94-78 (part))

6.08.050 Definitions.

In this chapter, unless the context requires otherwise:

A. **Definitions Incorporated.** The definitions of the IGRA Section 2703 and the National Indian Gaming Commission issued pursuant to Section 2706(b)(10) now existing, 25 CFR Part 502, or as may be hereinafter adopted or amended shall apply and are hereby adopted and incorporated to the extent necessary and not inconsistent with this chapter.

"Act" means the Indian Gaming Regulatory Act, Pub.L. 100-497, 25 U.S.C. Section 2701 et seq. and 18 U.S.C. Section 1166 et seq.

"Class II gaming" means Class II gaming as defined by the Act.

"Class III gaming" means Class III gaming as defined by the Act, or as authorized by judicial determination, federal regulation or federal pronouncement and as authorized and conducted by the Tribe in accordance with and pursuant to the provisions of a tribal-state compact and this chapter.

"Commission" means and refers to the Squaxin Island Gaming Commission.

"Contractor" means and refers to any management contractor who operates for the Tribe, tribal premises used for Class II or Class III gaming, or operates as lessee under a lease with the Tribe and any lessor of gaming equipment or supplier of gaming services to the Tribe.

"Indian lands" means:

(a) Land within the limits of the Squaxin Island Reservation; or

(b) Land over which the Squaxin Island Tribe exercises governmental power and that is either –

(1) Held in trust by the United States for the benefit of any Indian tribe or individual;
or

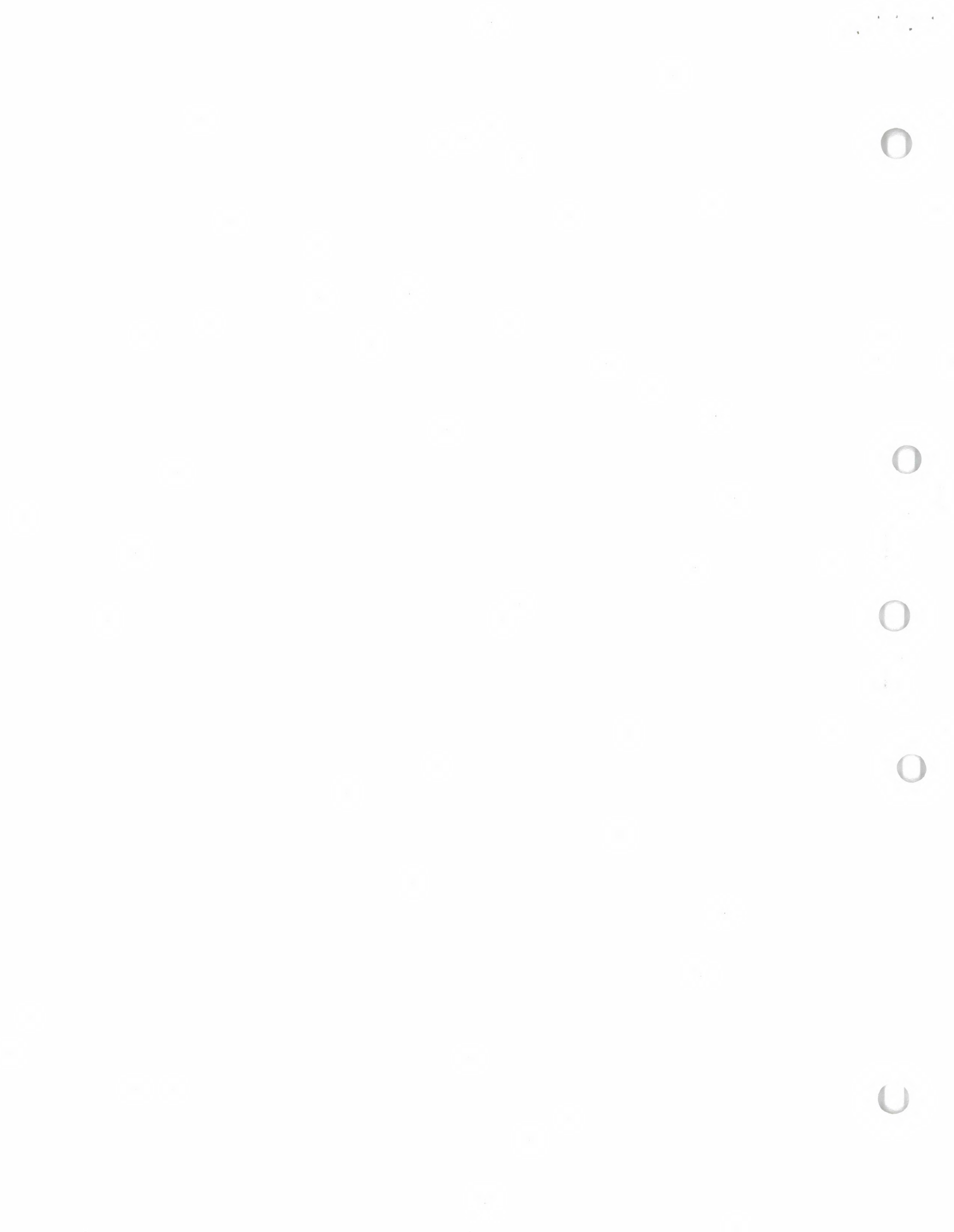
(2) Held by an Indian Tribe or individual subject to restriction by the United States against alienation.

"Key employee" means and refers to (a) a person who performs one or more of the following functions: bingo caller; counting room supervisor; chief of security; custodian of gaming supplies or cash; floor manager; pit boss; dealer; croupier; approver of credit; or custodian of gambling devices including persons with access to cash and accounting records within such devices; (b) if not otherwise included, any other person whose total cash compensation is in excess of fifty thousand dollars (\$50,000.00) per year; or, (c) if not otherwise included, the four most highly compensated persons in the gaming operation.

"Person" means a natural person, firm, association, corporation or other legal entity.

"Player" means any person paying some amount of U.S. currency to the Tribe or the contractor or the agent, servant or employee of the Tribe or such contractor for admission to, or participation in, Class II or Class III gaming and who has some reasonable expectation of receiving a prize as a result of participating, playing or wagering on such Class II or Class III gaming.

"Primary management official" means (a) the person having management responsibility for a management contract; (b) any person who has authority to hire and fire employees; or to set up working policy for the gaming operation; or (c) the chief financial officer or other person who has financial management responsibilities.



"Prizes" means and refers to any United States currency, cash or other property or thing of value awarded to a player of Class II or Class III gaming.

~~"Squaxin Island lands" means and refers to all land within the limits of the Squaxin Island Tribe of the Squaxin Island Reservation; and all lands within the state of Washington held in trust by the United States for the benefit of the Squaxin Island Tribe before October 17, 1988; and all land within the state of Washington held in trust by the United States for the benefit of the Squaxin Island Tribe after October 17, 1988, over which the Squaxin Island Tribe exercises governmental power, and which meet the requirements of 25 U.S.C. Section 2719.~~

"Tribal Council" means and refers to the Squaxin Island Tribal Council, the governing body of the Squaxin Island Tribe.

"Tribal-state compact" means a tribal-state compact entered into, if at all, pursuant to IGRA Section 2710.

"Tribe" means and refers to the Squaxin Island Tribe of the Squaxin Island Indian Reservation located in Mason County, Washington, whose Constitution was approved July 8, 1965 by the United States Secretary of the Interior. (Res. 94-78 (part))

6.08.140 Internal Revenue Service.

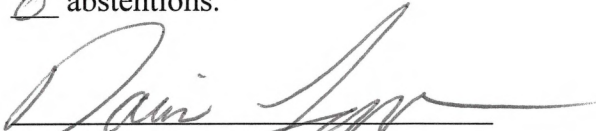
Provisions of the Internal Revenue Code of 1986, as amended, concerning the taxation and the reporting of withholding of taxes with respect to prizes or winnings from gaming or wagering pursuant to the operation of Class II or Class III gaming operated on the ~~Tribe's reservation~~Indian lands shall apply to the Tribe's gaming enterprise. (Res. 94-78 (part))

NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby directs that this Resolution be submitted to the National Indian Gaming Commission for approval; and

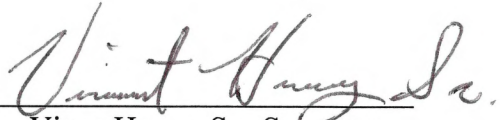
NOW THEREFORE BE IT FINALLY RESOLVED, that the Squaxin Island Tribal Council hereby authorizes and directs the Squaxin Island Legal Department to take all actions necessary to obtain NIGC approval of the revisions to the Squaxin Island Gaming Ordinance adopted by this Resolution.

CERTIFICATION

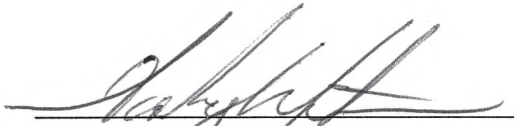
The Squaxin Island Tribal Council does hereby certify that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 11th day of March, 2004 at which time a quorum was present and was passed by a vote of 4 for and 0 against with 0 abstentions.



David Lopeman, Chairman

Attested by: 

Vince Henry, Sr., Secretary



Andy Whitener, Vice Chairman