



**SHINGLE SPRINGS BAND OF MIWOK INDIANS**

Shingle Springs Rancheria, (Verona) Tract, California  
5281 Honpie Road, Placerville CA 95667  
P.O. Box 1340, Shingle Springs CA 95682  
(530) 676-8010 office; (530) 676-8033 fax

**RESOLUTION 2017-06**

**SUBJECT: APPROVAL OF AMENDMENTS TO THE SHINGLE SPRINGS TRIBAL GAMING COMMISSION BYLAWS.**

**WHEREAS**, the Shingle Springs Band of Miwok Indians (the “Tribe”) is a federally recognized Indian tribe eligible for the special programs and services provided by the United States to Indians because of their status as Indians and is recognized as possessing powers of self-government; and

**WHEREAS**, the Shingle Springs Tribal Council is the duly-elected governing body of the Tribe and is authorized to act on behalf of the Tribe; and

**WHEREAS**, the Tribe, as a federally recognized Indian tribe, may engage in particular types of gaming on its Rancheria under the Indian Gaming Regulatory Act (“IGRA”) as a means to promote tribal economic development and self-sufficiency and to generally protect the health and welfare of its members (25 U.S.C. Section 2701 *et seq.*); and

**WHEREAS**, the Tribal Council created the Shingle Springs Tribal Gaming Commission (“Gaming Commission”) for the purpose of regulating the gaming activities of the Tribe; and

**WHEREAS**, the Shingle Springs Tribal Gaming Commission Bylaws set forth the standards to which the Gaming Commission will operate; and

**WHEREAS**, the Tribal Council now desires to amend the Tribal Gaming Commission Bylaws in order to remove from the Commission the authority to hire, direct, and if necessary terminate the Executive Director of the Gaming Commission; and

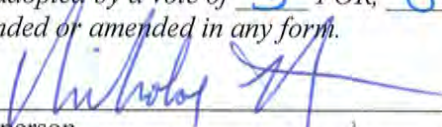
**WHEREAS**, the Tribal Council has reviewed amendments to the attached Shingle Springs Tribal Gaming Commission Bylaws and has determined that they are consistent with the Tribe’s goals in the operation of the Gaming Commission.

**NOW THEREFORE, BE IT RESOLVED** that the Tribal Council hereby approves the attached amended “Shingle Springs Tribal Gaming Commission Bylaws” as the bylaws of the Shingle Springs Tribal Gaming Commission, and delegates the Chairman the authority to execute any and all documents and agreements necessary as may be required to give effect to the transactions, herein contemplated, and to take such other actions as may hereby be necessary and appropriate to carry out the obligations thereunder.

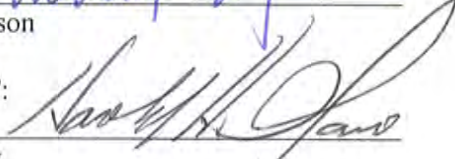
**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

**CERTIFICATION**

*As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 24th day of January, 2017 at which time a quorum of 7 was present, this resolution was duly adopted by a vote of 3 FOR, 0 AGAINST, 4 ABSTAINED, and said resolution has not been rescinded or amended in any form.*

  
\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
January 24, 2017  
Date

ATTEST:   
\_\_\_\_\_  
Secretary

\_\_\_\_\_  
January 24, 2017  
Date



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### **SHINGLE SPRINGS TRIBAL GAMING COMMISSION BYLAWS**

BY ADOPTION OF RESOLUTION 2014-68 THE SHINGLE SPRINGS BAND OF MIWOK INDIANS TRIBAL COUNCIL ADOPTS THESE AMENDED BYLAWS TO GOVERN THE SHINGLE SPRINGS TRIBAL GAMING COMMISSION.

#### **ARTICLE I. PURPOSE OF THE SHINGLE SPRINGS TRIBAL GAMING COMMISSION.**

**SECTION 1.** The Shingle Springs Band of Miwok Indians ("Tribe") has established the Shingle Spring Tribal Gaming Commission ("Gaming Commission" or "TGC") for the purpose of regulating the gaming activities of the Tribe.

#### **ARTICLE II. AUTHORITY, DUTIES AND RESPONSIBILITIES OF THE TRIBAL GAMING COMMISSION.**

**SECTION 1.** Gaming Commission duties and responsibilities shall include, but are not limited to, the following:

- (A) To exercise primary responsibility for day to day regulation of all gaming in order to ensure the integrity of that gaming; and
- (B) To enforce and administer the provisions of the Shingle Springs Tribal Gaming Ordinance ("Gaming Ordinance"); and
- (C) To issue and renew gaming licenses as provided in the Gaming Ordinance and in any regulation which may be promulgated by the Gaming Commission; and
- (D) To revoke, suspend, or condition a gaming license or deny an application for a license for violation of applicable law or ordinance regulating gaming or conviction of any offense involving a gaming-related crime or moral turpitude; and
- (E) Collect fees or interest as provided for in the Gaming Ordinance; and
- (F) Adjust the respective amounts of the annual license fees, provided that such fees shall not be increased retroactively; and
- (G) Audit or cause to be audited expenditures, receipts, and reports of licensees responsible for managing a Tribal gaming operation; and



- (H) Review, on demand, such books and records and inspect the premises and operations of licensees as it deems necessary for the enforcement of the Gaming Ordinance; and
- (I) Investigate any report of failure of any gaming operation to comply with the provisions of the Indian Gaming Regulatory Act (“IGRA”), the Tribal-State Compact between the State of California and the Shingle Springs Band of Miwok Indians (“Compact”) and the Gaming Ordinance; and
- (J) Conduct hearings as provided for in the Gaming Ordinance; and
- (K) Carry out each of its responsibilities and duties set forth in the compact; and
- (L) Review and approve surveillance standards and monitor compliance with these standards; and
- (M) Review and approve the technical standards and rules of each game or gaming device operated by any gaming operation, and ensure that such game and gaming devices conform to all technical standards and rules; and
- (N) Issue notices for violations of IGRA, the Gaming Ordinance or the Compact; and
- (O) Monitor compliance with the gaming operations patron dispute policy; and
- (P) Adopt an annual operating budget which shall be subject to the approval of the Tribal Council; and
- (Q) Compel upon reasonable notice any licensee, any person employed by a gaming operation and by any person doing business with a gaming operation to appear before it and to provide such information, documents or other materials as may be in their possession to assist in an investigation of the commission; and
- (R) Issue subpoenas and compel the attendance of witnesses at designated locations within The Tribal Lands; and
- (S) Establish a schedule of fees and charges for the issuance of licenses, including application fees and renewal fees; and
- (T) Enter at any time any gaming operation within Tribal lands to inspect the gaming operation, its employees, and its business records and books of account or any other financial records or documents pertaining to the gaming operations; and
- (U) Promulgate rules and regulations to implement and further the provisions of the Shingle Springs Tribal Gaming Ordinance; and

- (V) Grant, revoke, suspend, restrict, expand, and approve or disapprove any application for any license under the Shingle Springs Tribal Gaming Ordinance; and
- (W) Do all other things reasonably necessary for the proper and efficient exercise of its powers and responsibilities.

**SECTION 2.** The Tribe recognizes the importance of an independent TGC in maintaining a well-regulated gaming operation. The TGC shall be and act independently and autonomously from the Council and the Gaming Authority ("TGA") in all matters within its purview. No prior or subsequent review by the Council or the TGA of any actions of the TGC shall be required or permitted except as otherwise explicitly provided in the Gaming Ordinance.

**SECTION 3.** To avoid personal conflicts of interest between the operation and regulation of the gaming operations, the Tribe hereby finds that:

- (A) No member of the Council or the TGA may serve on the TGC; and
- (B) Members of the TGC are prohibited from gambling in the Tribe's gaming operations; and
- (C) Members of the TGC are prohibited from accepting complimentary items except as set forth in the exceptions listed in Article IX, Section 3.

### **ARTICLE III. AUTHORITY, DUTIES AND RESPONSIBILITIES RESERVED TO TRIBAL COUNCIL.**

**SECTION 1.** Notwithstanding the Tribal Council's broad general authority, the following duties and responsibilities are reserved exclusively to the Tribal Council:

- (A) Negotiation and execution of contracts with the United States, the State of California, and other governmental entities.
- (B) Appointment and removal of Commissioners.

### **ARTICLE IV. APPOINTMENT OF GAMING COMMISSIONERS, TERM OF OFFICE AND TERMINATION UPON EMPLOYMENT.**

**SECTION 1.** The Gaming Commission shall be comprised of seven (7) Commissioners appointed by the Tribal Council to serve staggered five (5) year terms, which shall begin on the third Saturday in February.

- (A) Following approval of these Bylaws by the Tribal Council, all current Gaming Commission members' terms will be for the length of time outlined in Tribal Council Resolution 2015-85.
- (B) All Commissioners, excluding individuals 17 years old and younger, must submit to a background test upon appointment to the Gaming Commission and in January of every

year and may not serve on the Gaming Commission if they have been convicted of any felonies or crimes of fraud against the Tribe within the last five years.

**SECTION 2.** Individuals who are Tribal Council Members, members of the TGA or who are part of the Gaming Commission staff are not eligible to be Gaming Commissioners or the Secretary of the Gaming Commission. If at any time a Gaming Commissioner or the Secretary of the Gaming Commission becomes employed with the TGC, TGA, or becomes a Tribal Council Member he or she will be honorably removed from the Gaming Commission at the next meeting.

**SECTION 3.** The Tribal Council shall fill any vacancies of the Gaming Commission by majority vote.

**SECTION 4.** The Chairperson shall preside at all regular meetings. He or she shall carry out all of the policies, rules, regulations and orders of the Gaming Commission.

**SECTION 5.** The Vice Chairperson shall assist the Chairperson when called upon, and in the absence of the Chairperson shall preside, and when presiding shall have all privileges, duties and responsibilities of the Chairperson.

**SECTION 6.** The Secretary shall create meeting agendas, keep minutes of each meeting, shall record all votes, and is responsible for assuring that official copies of the minutes of each meeting are submitted to the Tribal Council.

#### **ARTICLE V. MEETINGS.**

**SECTION 1.** The Gaming Commission shall meet twice a month, but shall meet more frequently as necessary.

**SECTION 2.** Special meetings may be called by the Chairperson or by a majority vote of the Gaming Commission. The notice of the meeting shall include the purpose and agenda items of the meeting.

**SECTION 3.** Each Gaming Commissioner shall have one (1) vote on all matters.

**SECTION 4.** To constitute a quorum, the majority of all Gaming Commissioners, including at least the Chairperson or Vice Chairperson, shall be present. If a quorum is not present within one (1) quarter of an hour after the announced time, it shall be declared that there is no quorum and the meeting shall be cancelled and rescheduled.

#### **ARTICLE VI. REMOVAL OF GAMING COMMISSIONERS, RESIGNATION, AND VACANCIES.**

**SECTION 1.** A Gaming Commissioner may be removed by unanimous vote of the Tribal Council for any reason.

**SECTION 2.** Any Gaming Commissioner who wishes to resign shall give at least thirty (30) days' notice to the Tribal Council and the Gaming Commission.

**ARTICLE VII. AMENDMENTS.**

**SECTION 1.** The Gaming Commission may, by majority vote, recommend to the Tribal Council amendments to these Bylaws with the appropriate information supporting the amendment.

**SECTION 2.** No amendments to these Bylaws shall be effective without approval by resolution of the Tribal Council.

**ARTICLE VIII. BASIC PRINCIPALS CONDUCT, CONFLICT OF INTEREST AND PERSONAL INVOLVEMENT WITH EMPLOYEES.**

**SECTION 1.** Commissioners shall, at all times, conduct themselves in an honest and upright manner, with regard for the great responsibility they bear in their position. Commissioners shall remain objective in the performance of their duties and shall act with the best interest of the Tribe and the gaming operation in mind. Commissioners shall not accept privileges or benefits, other than those granted by the Tribal Council through official action, which may affect a Commissioner's ability to remain objective in the performance of his or her duties.

**SECTION 2.** It is the Commissioner's obligation and duty to act for the benefit of the Tribe and for the benefit of gaming operation. When a Commissioner has potential or perceived personal interests which may conflict with their professional obligations they are required to remove themselves from any decision making process which may be effected by said interest. Commissioners shall not vote on any motion which creates a conflict of interest including, but not limited to, voting on issues directly related to an immediate family member. Failure to voluntarily abstain or remove oneself from a decision making process which creates a conflict of interest may be cause for disciplinary action, up to and including, termination of appointment.

**SECTION 3.** Commissioners shall not become personally or romantically involved with, lend or borrow money from or excessively fraternize with Gaming Commission staff members.

**ARTICLE IX. PUBLIC DISCLOSURE OF VESTED INTERESTS, RECEIPT OF BENEFITS, AND OTHER ACTIVITIES NOT ALLOWED.**

**SECTION 1.** Commissioners shall publicly disclose any of the following interests relating to an individual or business with which they are in business, or with which they propose to do business. For the purposes of the bylaws, an interest shall be considered any of the following:

- (A) Employment with a business;
- (B) A business relationship;
- (C) An economic interest other than the holding of common stock.

**SECTION 2.** Public disclosure of vested interests shall be made verbally or in writing and delivered to the Gaming Commission Chairperson, unless it is the Chairperson who possesses said interest in which case such disclosure would be made to the Vice-Chairperson at a regularly scheduled Gaming Commission meeting within ten (10) days of the time the Commissioner is appointed or hired, or acquires or learns of an interest as defined above. This public disclosure shall include the name of the business an individual is doing business with, or proposes to do business with, and the nature of the interest.

**SECTION 3.** No Commissioner shall accept a monetary benefit, material benefit, or gift:

- (A) From a person seeking to obtain a contract, grant, loan, employment, or any financial relationship from or within the Tribe;
- (B) From a person or business having a financial relationship with the Tribe;
- (C) From a person or business whose operations or activities are regulated or inspected by the Tribe;
- (D) From a principal and or attorney in proceedings in which the Tribe is an adverse party;
- (E) From any person or business where the performance or nonperformance of any official duty may be affected or influenced; or
- (F) As a result of their position.

**SECTION 4.** Exceptions.

- (A) Acceptance of an award for meritorious achievement from a charitable, religious, professional, recreational, social, fraternal, public service, or civic organization;
- (B) Acceptance of a plaque or memento of nominal value offered as a token of esteem or appreciation on the occasion of a speech or public appearance;
- (C) Small tokens or favors given to everyone attending a function or celebrating an occasion;
- (D) Traditional gifts; such as feathers, pouches, necklaces, etc.

**SECTION 5.** Commissioners shall further refrain from engaging in any of the following activities:

- (A) Making personal investments in any business or hold financial interests that will create a conflict with the performance of their duties as Commissioner.

- (B) Using their position to obtain employment or business in or for the Tribal government or its businesses for themselves or members of their immediate family.
- (C) Entering into arrangements with individuals for compensation in matters that are before the Commission.
- (D) Engaging in negotiations with businesses or other governments doing business with the Tribe without the knowledge and authorization of the Commission.
- (E) Engaging in financial transactions using nonpublic information or allow the improper use of such information by others on their behalf to further any private interest.
- (F) Engaging in outside employment or activities, including seeking or negotiating future employment, which conflicts with their official duties and responsibilities.
- (G) Using their positions for private gain.

**SECTION 6.** Commissioners shall:

- (A) Disclose waste, fraud, abuse, and corruption to the appropriate authorities.
- (B) Endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards listed herein.

**ARTICLE X. USE OF PUBLIC PROPERTY.**

**SECTION 1.** No Commissioner shall use, request, or permit the use of the Tribe's motor vehicles, equipment, materials, or property, except for in the conduct of official business.

**ARTICLE XI. CONFIDENTIALITY OF INFORMATION.**

**SECTION 1.** In regards to the handling of confidential information;

- (A) The TGC shall ensure that all records and information obtained as a result of an employee background investigation shall remain confidential and shall not be disclosed to persons who are not directly involved in the licensing and employment processes.
- (B) Information obtained during the course of an employee background investigation shall be disclosed to members of management, human resource personnel or others employed by the Tribal gaming operation on a need to know basis for actions taken in their official capacities.



- (C) This Section does not apply to requests for such information or records from any Tribal, federal or state law enforcement or regulatory agency, or for the use of such information or records by the TGC and staff in the performance of their official duties.

**SECTION 2.** No Commissioner shall knowingly and independently use his or her position to access confidential information, documents, or other materials which are not available to all Tribal citizens generally unless such access is necessitated by their position on the Gaming Commission.

**SECTION 3.** No Commissioner shall disclose confidential information which he or she has acquired by reason of their position in accordance with the Shingle Springs Band of Miwok Indians Confidentiality and Non-Use Agreement. The Tribal Council reserves the right to assess penalties as necessary.

**ARTICLE XII. ALLEGATIONS OF UNETHICAL OR IMPROPER CONDUCT, WRITTEN COMPLAINTS PERTAINING TO COMMISSIONERS AND PENALTIES AND SANCTIONS.**

**SECTION 1.** Allegations of unethical or improper conduct against a Commissioner shall only be made in writing and submitted to the Gaming Commission Chairperson, provided that if an allegation is made against the Chairperson, said allegation shall be filed with the Vice-Chairperson. Submission to the Gaming Commission Secretary shall be construed as delivery to the appropriate Gaming Commission representative.

**SECTION 2.** A written complaint may be submitted by any Tribal Member, Tribal Council Member, Commissioner or Gaming Commission employee who believes that a Commissioner has engaged in unethical or improper conduct. The complaint shall specify the name of the Commissioner against whom a complaint is being made, and the conduct that is alleged to be unethical or improper and must be signed and dated by individual alleging complaint. Unsigned complaints will not be addressed. Individuals making complaints may be requested to present their evidence in front of the Gaming Commission and may be questioned during the course of a subsequent investigation. Failure of an individual to provide said statements on the record may be cause to terminate the investigation.

**SECTION 3.** Upon a finding that there has been a violation of any provision of this Code, the Gaming Commission, or Tribal Council when appropriate, may impose any or all of the following penalties or sanctions including, but not limited to:

- (A) Issuance of a private reprimand to such person, with or without suspension of any or all other sanctions provided herein.
- (B) Issuance of a written public reprimand, which shall be entered into such person's permanent record of office and upon the permanent record of the Tribe according to provisions of applicable Tribal Laws and Ordinances.

- (C) Accordingly, any Commissioner shall be subject to discipline and/or dismissal as provided by other laws, regulations and personnel policies, or procedures applicable.
- (D) Suspension from position.
- (E) Removal, discharge or termination from position in accordance with applicable Tribal law and procedure.

**CERTIFICATION**

As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 24<sup>th</sup> day of January 2017, at which time a quorum of 7 was present, this resolution was duly adopted by a vote of 3 FOR, 0 AGAINST, 4 ABSTAINED, and said resolution has not been rescinded or amended in any form.

  
\_\_\_\_\_  
Tribal Council Chairperson

January 24, 2017  
\_\_\_\_\_  
Date

ATTEST:  
  
\_\_\_\_\_  
Tribal Council Secretary

January 24, 2017  
\_\_\_\_\_  
Date