

LR002 (f) GAMING FACILITY LICENSING REGULATION

7.0 INTRODUCTION

The TMGC shall issue a separate license to each place, facility, or location on Indian lands where Class II and III gaming is conducted under the gaming ordinance.

TMDCI ORDINANCE IX License Locations (Pg. 14)

The purpose of this regulation is to ensure that each place, facility, or location where class II or III gaming that occurs is located on approved Torres Martinez Indian lands eligible for gaming and obtains an attestation certifying that the construction and maintenance of the gaming facility, and the operation of that gaming, is conducted in a manner that adequately protects the environment and the public health and safety, pursuant to the Indian Gaming Regulatory Act, the Torres Martinez Desert Cahuilla Indians Gaming Ordinance, Tribal-State Compact and these Regulations.

25 CFR 559.1 WHAT IS THE SCOPE AND PURPOSE OF THIS PART? (Pg. 205)

7.1 ADDITIONAL REQUIREMENTS:

(a) Each gaming place, facility, or location conducting class II or III gaming pursuant to the Indian Gaming Regulatory Act or on which a tribe intends to conduct class II or III gaming pursuant to the Indian Gaming Regulatory Act is subject to the requirements of this regulation.

25 CFR 559.1 WHAT IS THE SCOPE AND PURPOSE OF THIS PART? (Pg. 205)

(b) All Gaming Facilities authorized by this regulation shall be licensed by the TMGC in conformity with the requirements of these regulations, the Gaming Ordinance, Tribal-State Compact, IGRA, and any applicable regulations adopted by the Gaming Commission or the NIGC. The facility license shall be reviewed and renewed every two (2) years thereafter. Verification that this requirement has been met shall be provided by the TMGC to all applicable outside agencies as determined by the TMGC. The TGA can send, either electronically or by hard copy, a copy of the initial license and each renewal license to the authorized outside agencies within thirty (30) days after issuance of the license or renewal. The TGA certification that the Gaming Facility is being operated in conformity with these requirements shall be always posted in a conspicuous and public place in the Gaming Facility.

COMPACT SEC 6.4.2. Gaming Facility. (Pg. 19)

(c) To assure that the protection of the health and safety of all Gaming Facility patrons, guests, and employees, the Tribe shall adopt, and shall maintain an ordinance that requires any Gaming Facility construction to meet or exceed the construction standards set forth in Applicable Codes as approved by the Tribe. The Gaming Facility and construction, expansion, improvement, modification, or renovation will also comply with the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.

Notwithstanding the foregoing, the Tribe need not comply with any standard that specifically applies in name or in fact only to tribal facilities. The Tribe shall not limit the rights of the State under authority of the Tribal-State Compact, as to reference to Applicable Codes which is not intended to confer jurisdiction upon the State or its political subdivisions. For purposes of this section the terms "building official" and "code enforcement agency" as used in titles 19 and 24 of the California Code of Regulations shall mean the Tribal Gaming Agency "TGA", or such other government agency or official as may be designated by the Tribe's law. The "building official" and "code enforcement agency" designated by the Tribe's law

may exercise authority granted to such individuals and entities as specified within the Applicable Codes with regard to the Gaming Facility.

COMPACT SEC 6.4.2. Gaming Facility. (Pg. 20)

(d) The TGA will submit to the TMGC, NIGC and State Officials a copy of each newly issued or renewed facility license within 30 days of issuance.

25 CFR 559.3 (Pg. 205)

(e) The TMGC on behalf tribe, shall submit to the NIGC and State each facility license an attestation certifying that by issuing the facility license, the TMGC or tribe has determined that the construction and maintenance of the gaming facility, and the operation of that gaming, is conducted in a manner which adequately protects the environment and the public health and safety. This means that the tribe/TMGC has identified and enforced laws, resolutions, codes, policies, standards or procedures applicable to each gaming place, facility, or location that protect the environment and the public health and safety, including standards, under applicable Federal, Tribal and State requirements.

25 CFR 559.4 (Pg. 205)

7.2 NEW CONSTRUCTION

(a) The TMGC will submit to the NIGC and State a notice that a facility license is under consideration for issuance at least 120 days before opening any new place, facility, or location on Indian lands where class II or III gaming will occur.

25 CFR 559.2 (Pg. 205)

(a)(1) The TMGC may request an expedited review of 60 days and the NIGC in accordance with 25 CFR 559.2

25 CFR 559.2 Pg. 205)

(a)(2) The TMGC may submit a written confirmation form the NIGC.

25 CFR 559.2 (Pg. 205)

(b) The notice shall contain the following:

25 CFR 559.2 (Pg. 205)

(1) The name and address of the property;

25 CFR 559.2 (Pg. 205)

(2) A legal description of the property;

25 CFR 559.2 (Pg. 205)

(3) the tract number for the property as assigned by the Bureau of Indian Affairs, Land Title and records Offices, if any;

25 CFR 559.2 (Pg. 205)

(4) If not maintained by the Bureau of Indian Affairs, Department of the Interior, a copy of the trust or other deed(s) to the property or an explanation as to why such documentation does not exist; and

25 CFR 559.2 (Pg. 205)

(5) If not maintained by the Bureau of Indian Affairs, Department of the Interior, documentation of the property's ownership.

25 CFR 559.2 (Pg. 205)

(c) The TMGC does not need to submit to the NIGC a notice that a facility license is under consideration for issuance for occasional charitable events lasting not more than one week.

25 CFR 559.2 Pg. 205)

(d) To assure compliance with the Applicable Codes, in all cases where the Applicable Codes would otherwise require a permit, the Tribe shall require inspections and, in connection therewith, shall employ for any Gaming Facility construction qualified plan checkers or review firms. To be qualified as a plan checker or review firm for purposes of this regulation, plan checkers or review firms must be either California licensed architects or engineers with relevant experience, or California license architects or engineers on the list, if any of approved plan checkers or review firms provided by County. The TMGC shall also employ qualified project inspectors. To be qualified as a project inspector for purposes of this regulation, project inspectors must possess the same qualifications and certifications as project inspectors utilized by the County. The plan checkers, review firms, and project inspectors shall hereinafter be referred to as "Inspectors." The TMGC shall require the Inspectors to maintain contemporaneous records of all inspections and report in writing any failure to comply with the Applicable Codes to the Tribe and the TMGC/TMGA and, if the failure is not remedied within thirty (30) days after giving notice of the lack of compliance, give notice to the State Gaming Agency. The TMGC agrees to correct any gaming Facility condition noted in the inspections that does not meet the Applicable Codes (hereinafter "deficiency").

COMPACT SEC 6.4.2. Gaming Facility. (Pg. 20)

(e) The TMGC shall cause the design and construction calculations and plans and specifications that form the basis for the planned construction (the "Design and Building Plans") to be available to applicable outside governmental agencies and provide copies upon its request.

COMPACT SEC 6.4.2. Gaming Facility. (Pg. 21)

(f) In the event that material changes to a structural detail of the Design and Building Plans will result from contract change orders or any other changes in the Design and Building Plans, such changes shall be reviewed and field verified by the Inspectors for compliance with the Applicable Codes.

COMPACT SEC 6.4.2. Gaming Facility. (Pg. 21)

(g) The TMGC shall maintain during construction all contract change orders for inspection and copying by applicable outside governmental agencies. the State Gaming Agency upon its request.

COMPACT SEC 6.4.2. Gaming Facility. (Pg. 21)

(h) The TMGC shall maintain the Design and Building Plans depicting the as-built Gaming Facility, which shall be available to applicable outside governmental agencies for inspection and copying upon request.

COMPACT SEC 6.4.2. Gaming Facility. (Pg. 21)

(i) Upon final certification by the Inspectors that the Gaming Facility meets the Applicable Codes, the TMGC shall forward the Inspectors' certification to applicable outside governmental within ten (10) days of issuance. If an outside governmental agencies objects to that certification, the TMGC shall make a good faith effort to address the concern, but if the applicable outside governmental agencies does not

withdraw its objection, the matter may be resolved in accordance with the dispute resolution provisions. Dispute resolution provision process shall be determined by the TMGC or other governing documents is applicable.

COMPACT SEC 6.4.2. Gaming Facility. (Pg. 21)

(j) The Casino shall assure the TMGC that all necessary steps to reasonably ensure the ongoing availability of sufficient and qualified for suppression services to the Gaming Facility, and to reasonably ensure that the gaming Facility, satisfies all substantive safety and construction requirement of titles 19 and 24 of the California Code of Regulations applicable to similar facilities in the County as set forth below:

COMPACT SEC 6.4.2. Gaming Facility. (Pg. 22)

(j) The TMGC shall ensure the Gaming Facility is inspected by an independent expert for purposes of certifying that the Gaming Facility meets a reasonable standard of fire safety and life safety. The TMGA will issue final reports to all applicable governing bodies no later than ten (10) days upon completion of the inspection. This inspection shall be completed no less than biennially. Any addition cost, using an independent inspector, incurred by the TGA shall be assessed to the casino.

COMPACT SEC 6.4.2. Gaming Facility. (Pg. 22)

(j)(2) Where applicable the TMGC recognizes that the State Gaming Agency shall be entitled to designate and have a qualified representative or representatives, which may include local fire suppression entities, present during the inspection. During such inspection, the State's representative(s) shall specify to the independent expert any condition that the representative(s) reasonably believes would preclude certification of the Gaming Facility as meeting a reasonable standard of fire safety and life safety.

COMPACT SEC 6.4.2. Gaming Facility. (Pg. 22)

(j)(3) The TMGC independent expert shall issue to the TGA a report on the inspection within fifteen (15) days after its completion, or within thirty (30) days after commencement of the inspection, whichever first occurs, identifying any deficiency in fire safety or life safety at the Gaming Facility or in the ability of the Tribe to meet reasonably expected fire suppression needs of the Gaming Facility. The TGA shall share the report with other governing agencies when applicable and in accordance with IGRA and the Tribal-State Compact.

COMPACT SEC 6.4.2. Gaming Facility. (Pg. 22)

(kj4) Within thirty (30) days after the issuance of the report, the TGA independent expert shall also require and approve a specific plan for correcting deficiencies, whether in fire safety or life safety at the Gaming Facility or in the Tribe's ability to meet the reasonably expected for suppression needs of the Gaming Facility, including those identified by any other qualified governing agency. A copy of this report shall be delivered to the TMGC and other applicable governing agencies, where required by governing documents.

COMPACT SEC 6.4.2. Gaming Facility. (Pg. 23)

(j5) Immediately upon correction of all deficiencies identified in the report, the independent expert shall certify in writing to the TGA and other applicable governing agencies that all deficiencies have been corrected.

COMPACT SEC 6.4.2. Gaming Facility. (Pg. 23)

(j)(6) Any failure to correct all deficiencies identified in the report within a reasonable period of time shall be deemed a violation of these regulations as well as the Tribal-State Compact and any failure to promptly correct those deficiencies that pose a serious or significant risk to the health or safety of any occupants shall be a violation of these regulations and the Tribal-State Compact and therefore subject to enforcement action by the TGA/TMGC.

COMPACT SEC 6.4.2. Gaming Facility. (Pg. 23)

(j)(7) Consistent with its obligation to ensure the safety of those within the Gaming Facility, the Tribe (TMGC) shall promptly notify the State Gaming Agency of circumstances that pose a serious and significant risk to the health or safety of occupants and take prompt action to correct such circumstances. Any failure to remedy within a reasonable period of time any serious and significant risk to public safety shall be deemed a violation of the Tribal-State Compact, and furthermore, and circumstance that poses a serious or significant risk to the health or safety of any occupant shall be grounds of the State Gaming Agency to prohibit occupancy of the Gaming Facility pursuant to a court order until the deficiency is corrected.

COMPACT SEC 6.4.2. Gaming Facility. (Pg. 23)

7.3 NOTIFICATION TO NIGC

(a) Notwithstanding anything in section 6.4, or elsewhere in the Tribal-Compact, any construction of any Project that has taken place or has commenced prior to the effective date of the Tribal-State Compact shall be subject to the Gaming Facility license rules ins section 6.4.2 of the 2003 Compact, provided that the Project was previously approved under section 6.4.2 of the compact.

COMPACT SEC 6.4.2. Gaming Facility. (Pg. 23)

(b) A tribe shall provide applicable and available Indian lands or environmental and public health and safety documentation requested by the NIGC.

25 CFR 559.6 (Pg. 206)

(c) Tribes wishing to submit documents electronically should contact NIGC for guidance on acceptable document formats and means of transmission.

(d) The TGA shall submit all appropriate document to the NIGC including the attestation form.

7.4 NIGC NOTIIFICATION OF FACILITY CLOSURE TO NIGC

The TMGC must notify the NIGC Chair within 30 days if a facility license is terminated or expires or if a gaming place, facility, or location closes or reopens. The TMGC need not provide a notification of seasonal closures or temporary closures with a duration of less than 180 days.

25 CFR 559.5 (Pg. 206)

THE TORRES MARTINEZ GAMING COMMISSION

**TRIBAL MOTION
RECORD OF MOTION or ACTION TAKEN**

Meeting Date: 7/18/2024		Agenda Item Number: V.e	
Department: TMGC		Presenter: TGA	
Concerning the matter of:	Gaming Facility License Regulation		
Resolution number:	#LR002f – Gaming Facility License Regulations		

ACTION TAKEN

<input checked="" type="checkbox"/> APPROVED
<input type="checkbox"/> DENIED
<input type="checkbox"/> TABLED
<input type="checkbox"/> FOR THE RECORD
<input type="checkbox"/> OTHER
<input type="checkbox"/> FURTHER INFORMATION REQUIRED
<input type="checkbox"/> FORWARD TO
<input checked="" type="checkbox"/> Alfonso Loya, TGA Manager
<input type="checkbox"/> Tribal Procurement
<input checked="" type="checkbox"/> Altrena Santillanes, Tribal Council

FOR 3 AGAINST 0 ABSTAIN 0

**COMMENTS: MOTION TO APPROVE GAMING FACILITY LICENSE REGULATION (#LR002f).
EFFECTIVE DATE 7/18/2024. TO BE REVIEWED EVERY 3 YEARS.
COMMISSION RESERVES RIGHTS TO MAKE AMENDMENTS AT ANY TIME.**

VERIFICATION: Britni Stafford
Britni Stafford, Secretary TM Gaming Commission **DATE:** 7/18/2024

Britni Stafford Digitally signed by Britni Stafford
Date: 2024.07.18 11:38:47 -07'00'