

Title 16 - Gaming
Chapter 4 – Swinomish Gaming Commission

Sec.

16-04.010 Establishment
16-04.020 Powers

Legislative History

Enacted:

Gaming Ordinance, Ord. 171 (6/30/03), BIA (7/3/03), NIGC (10/3/03).

Repealed or Superseded:

Ord. 151 (4/9/02), BIA (6/7/02), NIGC (7/17/02) (amending Ord. 103).

Ord. 130 (12/1/98), BIA (1/25/99), NIGC (3/10/99) (amending Ord. 103).

Ord. 118 (5/7/96), BIA (5/23/96), NIGC (not required, 8/15/96) (amending Ord. 103).
Gaming Ordinance, Ord. 103 (10/5/93), BIA (10/14/93), NIGC (11/10/93) (repealing Ord. 50).

Gaming Ordinance, Ord. 50 (3/5/85), Enacting Res. 85-3-13, BIA (3/25/85).

16-04.010 Establishment.

There is hereby established a Swinomish Gaming Commission, which shall be made up of at least five (5) members who shall be appointed by the Senate.

[History] Ord. 171 (6/30/03); Ord. 118 (5/7/96); Ord. 103 (10/5/93).

16-04.020 Powers.

The Swinomish Gaming Commission:

- (A) Shall administer this Title, by exercising general control over all games and activities authorized or prohibited by this Title, as well as all powers necessary to accomplish the purposes of this Title;
- (B) Shall adopt and enforce rules and regulations in furtherance of the purposes of this Title and the performance of its administrative functions;
- (C) May investigate any aspect of the operations of the Gaming Enterprise in order to protect the public interest in the integrity of such gaming activities and to prevent improper or unlawful conduct in the course of such gaming activities, and shall investigate any report of a failure of the Gaming Enterprise to comply with the

- provisions of the Compact or this Title and may require the Gaming Enterprise to take any corrective action deemed necessary by the Commission upon such terms and conditions as the Commission may determine appropriate;
- (D) May compel any person employed by or doing business with the Gaming Enterprise to appear before it and to provide such information, documents or other materials as may be in their possession to assist in any investigation;
 - (E) Shall carry out each of the responsibilities and duties set forth for the tribal gaming agency in the Compact and in the Standards of Operation and Management;
 - (F) Shall prepare a plan for the protection of public safety and the physical security of patrons in each of its gaming facilities, setting forth the respective responsibilities of the commission, the security department of the Gaming Enterprise, the Tribal Police Department, and any other local law enforcement agency;
 - (G) Shall review and approve floor plans and surveillance systems for each gaming facility and shall confer with the State gaming agency regarding the adequacy of such plans and systems;
 - (H) Shall establish and revise Standards of Operation and Management for Class III gaming activities in accordance with the Compact;
 - (I) May issue licenses for key employees and primary management officials in accordance with Chapter 16-03;
 - (J) May issue licenses for other Class II and Class III gaming employees, and for other employees of the Gaming Enterprise, in accordance with Commission rules and regulations, and, to the extent applicable, in accordance with the requirements of the Compact;
 - (K) May suspend and revoke licenses in accordance with Chapter 16-07;
 - (L) May issue and revoke vendor licenses to any persons or entities providing goods or services to the Gaming Enterprise. No person or entity required by the Act, the Compact, or the Commission's rules and regulations to have such vendor licenses shall transact business with the Gaming Enterprise without a valid vendor license issued by the Commission;
 - (M) May conduct such investigations into applicants for vendor licenses as it deems necessary or appropriate;
 - (N) Shall establish a list of persons barred from the gaming facilities by the Gaming Commission or the Gaming Enterprise, and may bar from the gaming facilities any person whose presence may pose a threat to public health, public safety, the integrity of

gaming, or the assets of the Gaming Enterprise;

- (O) Shall approve the rules of all games of chance operated by the Tribe pursuant to Section III of the Compact and shall, in accordance with the provisions of the Compact, notify the State Gaming agency of such rules and of any change in such rules;
- (P) May impose penalties and/or fines for violations of this Title, the Compact, Commission rules and regulations, or the Standards of Operation and Management in accordance with Chapter 16-07 through Chapter 16-08 of this Title;
- (Q) May in the name of the Tribe bring any civil action or criminal complaint in the courts of the Tribe, the State or the United States to enforce the provisions of this Title or to enjoin or otherwise prevent any violation of this Title, the Act, the Compact, or Commission rules and regulations, occurring on the Swinomish Indian Reservation;
- (R) May receive any complaint from an employee of the Gaming Enterprise or any member of the public who is or claims to be adversely affected by an act or omission of the Gaming Enterprise that is asserted to violate this Title, the Compact, or the Standards of Management and Operation adopted pursuant to this Title, and may for this purpose, in its sole discretion, conduct a hearing and receive evidence with regard to such complaint if it deems an evidentiary proceeding useful in the resolution of such complaint and may upon consideration of such complaint order such remedial action as it deems appropriate to bring the Gaming Enterprise into compliance with such provisions;
- (S) May adopt an annual operating budget, which shall be subject to the approval of the Senate, and may in accordance with said budget employ such staff from time to time as it deems necessary to fulfill its responsibilities under this Title, and may retain legal counsel and other professional services including investigative services to assist the Commission with respect to any issues over which the Commission exercises jurisdiction. The expenses of the Commission in accordance with such budget shall be assessed against the Gaming Enterprise and the Gaming Enterprise shall pay such assessments to the Tribe;
- (T) Shall adopt and enforce minimum internal control standards for all Class II and Class III gaming; and
- (U) May issue and revoke the license required by Section 16-02.070 for each gaming place, facility or location on the Swinomish Indian Reservation.

[History] Ord. 171 (6/30/03); Ord. 151 (4/9/02); Ord. 130 (12/1/98); Ord. 118 (5/7/96); Ord. 103 (10/5/93).