

**Dry Creek Rancheria  
Band of Pomo Indians**

Business Code

**TITLE 1. TRIBAL COMPREHENSIVE BUSINESS POLICY  
CODE**

TABLE OF CONTENTS

- SECTION 1. Definitions
- SECTION 2. Purpose and Construction
- SECTION 3. Tribal and Private Sector Business Policy
- SECTION 4. Employment In Lieu of Tax Policy
- SECTION 5. Private Business Non-Interference Policy
- SECTION 6. Use of Tribal Lands and Resources to Promote Business
- SECTION 7. Waiver of Authority or Jurisdiction
- SECTION 8. Local Purchasing Policy
- SECTION 9. Department of Commerce Business Tax
- SECTION 10. Severability

**SECTION 1. Definitions**

As used in any and all Business Codes, Titles 1-9, unless intended otherwise by the context used, the following means:

- (A) "Articles of Association" means the Articles of Association of Dry Creek Rancheria, and any amendments thereof.
- (B) "Jurisdiction" means the jurisdiction of Dry Creek Rancheria, whether within or without the exterior boundaries of the Rancheria.
- (C) "Rancheria" means the recognized territorial boundaries of the Dry Creek Rancheria.
- (D) "Tribe" means Dry Creek Rancheria.
- (E) "Tribal Comprehensive Business Code" means Title 1 of the Tribal Code.
- (F) "Tribal Council" means the Dry Creek Rancheria Tribal Council.
- (G) "Tribal Court" means the Dry Creek Rancheria Tribal Court.

(H) "Tribal law" means the Articles of Association and all laws now or hereafter duly enacted by the Tribal Council.

**SECTION 2. Purpose and Construction**

The purpose of the Tribal Comprehensive Business Code is to establish the policy framework through which the Tribe, its entities, private businesses, and individuals may conduct business activities within the territorial and governmental jurisdiction of the Tribe. The policies set forth in this Code shall apply to each of the Codes contained in Titles 1-9 of Dry Creek Rancheria Business Code. The provisions of this Code shall be liberally construed and applied to promote its underlying purposes and policies. Individual Titles of the Tribal Comprehensive Business Codes apply individually and collectively to Titles 1-9. The Tribal Court has jurisdiction to adjudicate matters arising from the Tribal Comprehensive Business Codes.

The Comprehensive Business Codes 1-9 do not apply to the Tribe's Gaming Operation, including casinos or the surrounding casino premises including parking lots, hotels, etc.

**SECTION 3. Tribal and Private Sector Business Policy**

The Tribe recognizes that a strong Rancheria economy must include both tribal and private sector development. It is the policy of the Tribal Council to promote both tribal and private sector development within the exterior boundaries of the Rancheria and elsewhere within the jurisdiction of the Tribe. It shall be the policy of the Tribe to interpret laws, policies, regulations, procedures, etc., in a manner that facilitates the development and promotion of businesses on the Rancheria to the greatest commercial potential possible.

**SECTION 4. Employment In Lieu of Tax Policy**

It is the policy of the Tribe to facilitate and enhance job stability, career opportunities, and use of inherent Tribal powers to create and maintain a sound business environment within the Tribe's jurisdiction. Consistent with these goals, it is the policy of the Tribe to promote the least restrictive and most cost effective business environment within which a business environment can be promoted. As part of this policy, the Tribe hereby establishes an "employment in lieu of tax" policy for businesses operating pursuant to the authority prescribes in the Tribal Comprehensive Business Codes.

(A) The policy is intended to stimulate and promote local employment and business opportunities. While it is anticipated that local business development will generate the need to improve services, facilities and infrastructure to support business and employment opportunities, consistent with the policy of employment in lieu of tax, the Tribal Council will conduct direct and open discussions with businesses within the Tribe's jurisdiction to address community and governmental infrastructure needs and

will strive to develop alternative methods for addressing infrastructure needs in lieu of imposing taxes on businesses.

#### **SECTION 5. Private Business Non-Interference Policy**

(A) It is the policy of the Tribal Council that, to the greatest extent feasible, and without waiving authorities over such business activities, the Dry Creek Rancheria Tribal Government, its entities and its employees, while conducting affairs under the authorities of such offices shall not knowingly and unnecessarily interfere, obstruct, hinder, nor negatively impact private sector business(es) being properly and lawfully carried out in accordance with the provisions of the Tribal Comprehensive Business Codes, without first determining that the Tribe has an overriding interest in doing so.

(B) It is the policy that the Tribe will not knowingly and unnecessarily create unfair business practices or unfair competition, nor interfere, obstruct, hinder or negatively impact, any private sector business that generates less than one-hundred thousand dollars (\$100,000.00) in net profits, as determined by the financial statements of such business, without first demonstrating that the Tribe has an overriding tribal interest in doing so.

(1) For the purposes of Section 5(B), unfair business practices means taking governmental actions that create difficulties or burdens on private sector businesses, enact additional regulatory or administrative requirements, or cause additional costs to be incurred, without first demonstrating that the Tribe has an overriding interest in doing so.

(2) For the purpose of Section 5(B), unfair competition means taking governmental action that favors one business over another, or that results in the Tribe creating governmental entities that unfairly compete against private sector business(es) without first demonstrating that the Tribe has an overriding interest in doing so.

(C) Nothing in this section shall be construed as creating a financial claim against the Tribe, the Tribal Council, or its officers and employees.

#### **SECTION 6. Use of Tribal Lands and Resources to Promote Business**

(A) It is the policy of the Tribe to allow the use of tribal land, natural and financial resources, and opportunities for the promotion of economic benefits to create jobs, expand business opportunities, and secure business independence in order to achieve the goals prescribed in this Code, consistent with applicable regulations and statutes.

(B) Under the policy prescribed in Section (A) above, the Board of Directors may entertain proposals from private sector business interests for privatizing Tribal Governmental activities. If approved, the Tribal Council will enter into a contractual agreement with such business interests for carrying out such contracted services.

(C) For grant and other programs for which the Tribe is eligible, and that the Tribe or any of its departments does not express an interest in applying for, the Tribe hereby authorizes businesses operating pursuant to the Tribe's Comprehensive Business Codes to apply for and operate such programs within the Tribe's jurisdiction.

#### **SECTION 7. Waiver of Authority or Jurisdiction**

Nothing in this Code shall be construed as a waiver by the Tribe of its authority or jurisdiction over businesses operating within its jurisdiction.

#### **SECTION 8. Local Purchasing Policy**

It is the policy that Dry Creek Rancheria Tribal governmental purchasing power generated by both tribal and other funds be used to support local businesses and that every effort be made by Tribal departments to purchase from local vendors and businesses. When comparing the cost for non-local purchases, all costs associated with a non-local purchase are to be taken into consideration, including mileage, wages, per diem, taxes, and freight. In addition, written documentation must be submitted along with a request for non-local purchases which explain why it is not feasible to make such purchase(s) locally. In implementing this policy, non-local purchases may be authorized under the following situations:

(A) Urgent Need for Services of Goods. The need for the services or goods is so urgent that time will not permit the purchase from a local vendor or business.

(B) One-Source Availability/Not Available Locally. The goods or services to be procured, or a like equal, are not available from a local vendor or business.

(C) Intertwined Segments. When segments of goods or services are so intertwined that it is impossible to accomplish the objectives if all or parts of the segments were to be procured locally.

(D) Prior Approval. The contemplated purchase received prior approval for a non-local purchase.

#### **SECTION 9. Department of Commerce Business Tax**

There is hereby enacted a one percent (1%) business tax on gross revenues for all business operating under the authority of this Code, except Tribal Entities operating pursuant to Title 2, for the purpose of maintaining the Tribal Department of Commerce (Department). The Department shall submit to the Tribal Council an annual plan which includes a budget, goals, staffing plan, and other requirements, for the Department's operations. The Department's annual plan will be incorporated into the Tribe's annual overall budget.

**SECTION 10. Severability**

In the event that any provision of this Code shall be found or declared to be invalid, the remaining provisions of this Code shall be unaffected thereby, and shall remain in full force and effect.