

**Dry Creek Rancheria, Band of Pomo Indians  
Gaming Facility Standards Ordinance**

**Ordinance # 25-04-26-002**

**I. TITLE**

The Dry Creek Rancheria, Band of Pomo Indians, ("Tribe") hereby enacts this Ordinance, which shall be entitled the "Dry Creek Rancheria Gaming Facility Standards Ordinance" ("Ordinance").

**II. AUTHORITY**

This Ordinance is enacted under the Tribe's inherent sovereign authority, the Articles of Association of the Dry Creek Rancheria, the amended Tribal-State Compact Between the State of California ("State") and the Dry Creek Rancheria, and the Dry Creek Rancheria Gaming Ordinance.

**III. PURPOSE**

The Tribe and the State, pursuant to the Indian Gaming Regulatory Act, have agreed to the terms of an amended tribal-state gaming compact ("Compact"), which requires the Tribe, at sections 6.4.2, subdivisions (b) and (j), 12.3, subdivisions (a), (b), (c), (d), (e), (g), (h), (i), (j), (k), 12.4, and 18.5, to enact law prescribing certain standards for the Tribe's Gaming Operation and Gaming Facilities;

Pursuant to the inherent sovereign powers of the Tribe, and in accordance with the power and responsibilities set forth in the Constitution, the Board of Directors hereby enacts this Ordinance, to comply with the terms of the Compact, sections 6.4.2, subdivisions (b) and (j), 12.3, subdivisions (a), (b), (c), (d), (e), (g), (h), (i), (j), (k), 12.4, and 18.5, prescribing standards for the Tribe's Gaming Operation and Gaming Facilities.

**IV. APPLICABILITY STATEMENT**

This Gaming Facility Standards Ordinance applies to the Tribe's Gaming Facility as defined by Gaming Facility Applicability Code.

**V. DEFINITIONS**

The following terms, wherever used in this Ordinance, shall have the following meanings:

**"Compact"** means the tribal-state Compact between the State of California and the Tribe as may be amended from time to time.

**"County"** means Sonoma County, California.

**“Gaming Activities”** means the class III gaming activities authorized under the Compact.

**“Gaming Facility”** means any building in which Gaming Activities or Gaming Operations occur, including the River Rock Casino, or in which business records, receipts, or funds of the Gaming Operation are maintained (excluding offsite facilities primarily dedicated to storage of those records, and financial institutions), and all rooms, buildings, and areas, including hotel parking lots, and walkways, a principal purpose of which is to serve the activities of the Gaming Operation rather than providing that operation with an incidental benefit. Nothing herein shall be construed to apply in a manner that does not directly relate to the activities of the Gaming Operation.

**“Gaming Commission”** means the Dry Creek Rancheria Gaming Commission, or a successor agency with substantially similar duties and powers.

**“Gaming Operation”** means the tribally-owned business enterprise that offers and operates Gaming Activities.

**“Employee”** means a person employed directly by the Gaming Operation. An independent contractor or vendor of the Gaming Operation or Gaming Facility is not an Employee.

**“State”** means the State of California.

**“State Gaming Agency”** means the California Gambling Control Commission.

**“Board of Directors”** means the Board of Directors of the Dry Creek Rancheria.

**“Tribe”** means the Dry Creek Rancheria, a federally recognized Indian tribe. Depending on the context, “Tribe” includes the Tribe’s elected or appointed officials, employees, and agents.

## **VI. STANDARDS FOR FOOD AND BEVERAGE HANDLING**

- (A) **Standard.** The Tribe hereby adopts standards for food and beverage handling that are no less stringent than Federal and State public health standards. The Gaming Facility shall comply with those standards.
- (B) **Inspections.** To assess compliance with the standards under Section 3.1, the Gaming Operation shall allow, during normal hours of operation, inspection of food and beverage services in the Gaming Facility by State or other independent, non-tribal governmental, health inspectors who have provided evidence of authority demonstrating that the inspector would have jurisdiction but for the Gaming Facility being located on the Tribe’s trust lands.
- (C) **Exemption from Inspections.** The Gaming Operation need not comply with subsection (B) above if inspections are routinely made by an agency of the United States government to ensure compliance with food and beverage handling standards of the United States Public Health Service, such as the Department of the Navy.

- (D) **Reports.** Any report or other writing subsequent to an inspection or visit that includes any deficiency finding or citation shall be transmitted within 14 days to the Gaming Commission and the State Gaming Agency. All reports shall be made available to the State Gaming Agency upon request.

## VII. WATER QUALITY STANDARDS

- (A) **Standards.** The Gaming Facility shall comply with standards for water quality and safe drinking water no less stringent than federal water quality standards applicable in California. The Tribe has adopted a comprehensive Environmental Code that set water quality standards, govern the water supply system, sewer system and solid waste, establish water well standards, establish air quality standards and implement the Tribe's NPDES permit.

- (B) The Tribe has been designated as a State for purposes of CWA §§ 303(c)/401 - Water Quality Standards (WQS) Program, and therefore conducts all water quality testing under this governmental authority.

Nothing herein shall serve to override any authority now contained in or granted by any Self-Governance Compact between the Tribe and the United States Department of the Interior, Bureau of Indian Affairs, or the Department of Health and Human Services, Indian Health Services, or any designation of Treatment as a State by the Environmental Protection Agency for purposes of the federal Clean Water Act.

- (B) **Inspections.** The Tribe will allow, during normal hours of operation, inspection and testing of water quality at the Gaming Facility by State or County health inspectors, whichever inspector would have jurisdiction but for the Gaming Facility being on Indian lands, to assess compliance with these standards, unless inspections and testing are routinely made by an agency of, or contractor for, the United States pursuant to federal law, and testing is routinely performed under the authority of the Tribe in compliance with federal law, the results of which are routinely provided to, and monitored by, an agency of the United States to ensure compliance with federal water quality and safe drinking water standards..

- (C) **Reports.** Any report or other writing by the State, County, or federal health inspectors shall be transmitted within seventy-two (72) hours to the Gaming Commission and the State Gaming Agency.

## VIII. CONSTRUCTION STANDARDS

- A) **Standards.** The Tribe hereby adopts the California Building and the California Public Safety standards applicable to the County, as set forth in titles 19 and 24 of the California Code of Regulations, as amended from time to time, as the "Dry Creek Rancheria Building Standards (the "Tribal Building Code"). The Tribal Building Code shall be applicable to the Gaming Facility. "Building official" and "code enforcement agency" as used in the Tribal Building Code, (including titles

19 and 24 of the California Code of Regulations) shall mean the Gaming Commission, or such other agency or official as the Board of Directors may designate from time to time. The Gaming Facility construction expansion, improvement, modification or renovation will also comply with Title III of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq.

**(B) Inspections.** To assess compliance with the standards under Section 5.1 of this Ordinance, the Tribe requires the Gaming Operation to do the following:

- (1) Employ for any Gaming Facility construction qualified plan checkers or review firms and project inspectors to inspect all new construction. Such plan checks or review firms must be either California-licensed architects, engineers or International Code Council (ICC)-certified building inspectors with relevant experience, or California licensed architects or engineers on the list, if any, of approved plan checkers or review firms provided by the County. Such project inspectors must possess the same qualifications and certifications as project inspectors used by the County; and
- (2) Ensure the Gaming Facility is inspected by an independent expert to certify that the Gaming Facility meets a reasonable standard of fire and life safety before opening the Gaming Facility to the general public and not less than biennially thereafter with at least 10 days' notice to the State Gaming Agency, who shall be entitled to designate a representative to be present during such inspection.
- (3) In the case where the inspection is not possible due to an unusual situation, such as a fire or pandemic, the inspection will take place as soon as reasonable and in the interest of public health.

**(C) Reports & Corrective Action.** The Tribe requires the Gaming Operation to comply with the following regarding inspections of the Gaming Facility:

- (1) Require plan checkers, review firms, and project inspectors conducting the inspections required under Section 5 (B)(1) to maintain contemporaneous records of all inspections and report in writing any failure to comply with the standards under Section 5 (A) to the Gaming Commission and, if such failure is not remedied within thirty (30) days of notice of the same to the Gaming Commission, to the State Gaming Agency;
- (2) Require any independent expert conducting the inspection to issue to the Gaming Commission and State Gaming Agency (i) a report identifying any deficiency in fire or life safety or in the ability of the Gaming Operation to meet reasonably expected fire suppression needs within the sooner of 15 days after completion of the inspection or 30 days after commencement of the inspection; (ii) within 30 days after the issuance of the report, a plan for correcting any deficiencies; and (iii) written certification of the correction

of any deficiencies, immediately upon their correction; and

- (3) To report any failure to comply with the Tribal Building Code to the State the State Gaming Agency, in writing and within thirty (30) days after the discovery thereof.

## **IX. WORKPLACE AND OCCUPATIONAL HEALTH AND SAFETY INSPECTIONS**

- (A) **Standards.** The Board of Directors hereby adopts standards for public health, workplace and occupational health and safety standards no less stringent than those established under federal law. The Gaming Facility shall comply with these standards at all times.
- (B) **Inspections.** To assess compliance with the occupational safety and health standards, the Gaming Operation shall allow, during normal hours of operation, inspection of Gaming Facility workplaces by Federal inspectors.

## **X. FINANCIAL TRANSACTION STANDARDS**

- (A) **Certain Checks Not Allowed.** The Gaming Operation shall comply with standards that are no less stringent than applicable State laws prohibiting a gambling enterprise from cashing any check drawn against a federal, state, county, or city fund, including but not limited to, Social Security, unemployment insurance, disability payments, or public assistance payment.
- (B) **Standards for Credit to Patrons.** The Gaming Operation shall comply with standards that are no less stringent than State laws, if any, governing extensions of credit to patrons by gambling enterprises.
- (C) **Bank Secrecy Act.** The Gaming Operation shall comply with provisions of the Bank Secrecy Act, 31 U.S.C. §§ 5311-5314, as amended, and all reporting requirements of the Internal Revenue Service, insofar as such provisions and reporting requirements are applicable to gambling establishments.

## **XI. ALCOHOL SERVICE**

- (A) **Free or Reduced Alcohol.** The Board of Directors hereby adopts standards that are no less stringent than State laws, if any, prohibiting a gambling or other gaming enterprise from providing, allowing, contracting to provide, or arranging to provide alcoholic beverages, for no charge or at reduced prices at a gambling establishment as an incentive or enticement.
- (B) **Compliance with ABC License.** The Tribe maintains and shall comply with a current license issued by the California Alcoholic Beverage Control Board.

## **XII. EFFECTIVE DATE; AMENDMENT; DELEGATION OF AUTHORITY TO**

## **BOARD OF DIRECTORS TO AMEND IF NEEDED**

This Ordinance shall be deemed to have taken effect on the effective date of the Compact, and any amendments to this Ordinance shall become effective on the date such amendments are approved by the Tribal Council. The Board of Directors is also delegated the authority to amend the Gaming Facility Standards Ordinance as may be required or necessary to ensure compliance with all applicable laws and regulations governing gaming on the Rancheria.

## **XIII. CONFLICTS OF LAW**

If any provision of the Dry Creek Rancheria Tribal Code is found to be inconsistent with this Title and Chapter, the provisions of this Title shall govern.

## **XIV. SEVERABILITY**

If any section, subsection, sentence, clause, or phrase of this Chapter is, for any reason, legally held to be invalid, such a decision shall not affect the validity of the remaining portions of this Code.

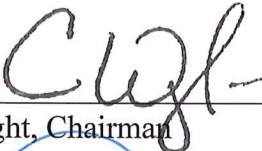
## **XV. SOVEREIGN IMMUNITY PRESERVED**

Nothing in this chapter shall be interpreted as a waiver of the Tribe's sovereign immunity or as authorization for a claim for monetary damages against the Tribe.

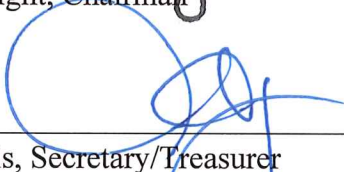
## **CERTIFICATION**

The undersigned hereby certify that the foregoing ordinance was duly enacted at a duly held Regular General Meeting of the Tribal Council on April 26, 2025, by the vote of the Tribal Council of Dry Creek Rancheria Band of Pomo Indians. The motion carried unanimously and this ordinance has not been amended in any manner.

ATTEST

  
\_\_\_\_\_  
Chris Wright, Chairman

4-26-2025  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Lisa Lellis, Secretary/Treasurer

4-26-2025  
\_\_\_\_\_  
Date