

TRIBAL COUNCIL ACT 14.7

AN ACT RELATED TO

SNOQUALMIE CASINO IMPACT MITIGATION FUND

BE IT ENACTED BY THE SNOQUALMIE TRIBAL COUNCIL

SECTION 1.0 – TITLE AND CODIFICATION

This Chapter shall be known as the Snoqualmie Casino Impact Mitigation Fund Act and shall be codified as Title 14, Chapter 7 of the Snoqualmie Tribal Code.

SECTION 2.0 – STATUTORY AUTHORIZATION

The aboriginal and inherent sovereign power to govern the Snoqualmie Indian Tribe is vested in the Snoqualmie Tribal Council. The Snoqualmie Tribal Council has the authority to safeguard and promote the peace, safety, moral, and general welfare of the members of the Tribe by regulating the behavior of all persons within the jurisdiction of the Tribe, and by providing for the enactment and enforcement of laws of the Tribe. This authority includes the authority to manage the economic affairs of the Tribe and to set aside and to spend Tribal funds for Tribal purposes. Snoq. Tr. Const. Art. VIII, Sec. 1(e), (f), and (j). In addition, in the Tribe's Gaming Compact with the state of Washington, the Tribe agreed to establish an Impact Mitigation Fund. Compact XIV(C)(1).

SECTION 3.0 – PURPOSE AND SCOPE

The purpose of this Chapter is to create a separate Tribal governmental fund, known as the Impact Mitigation Fund, for the purpose of providing assistance to law enforcement, emergency services, and/or service agencies (including those agencies responsible for traffic and transportation, and water and sanitary sewer) impacted by the existence and operation of the Snoqualmie Casino.

SECTION 4.0 – DEFINITIONS

ACT means the Indian Gaming Regulatory Act, Pub. L. 100-497, 25 U.S.C. Section 2701, *et seq.*

COMPACT means such Compact governing the conduct of Class III Gaming on the Tribe's Reservation as may be entered into pursuant to the Indian Gaming Regulatory Act between the State of Washington and the Snoqualmie Indian Tribe, and approved by the Secretary of the Interior, or such procedures promulgated by the Secretary of the Interior pursuant to the Indian Gaming Regulatory Act governing the conduct of Class III Gaming on the Tribe's Reservation.

COUNCIL means the Snoqualmie Tribal Council, the duly constituted governing body of the Snoqualmie Indian Tribe, empowered by the Snoqualmie Tribal Constitution to adopt this Chapter.

NET REVENUES means gross revenues of Class II and Class III Gaming activities less amounts paid out as, or paid for, prizes and total operating expenses, including debt service but excluding management fees paid to a Management Contractor within the meaning of 25 U.S.C. §2711(c).

PERSON means and includes a corporation, company, partnership, firm, association or society, as well as a natural person or any other business entity. When "Person" is used to designate the violator or offender of any law, it includes a corporation, partnership, or any association of Persons.

RESERVATION means all lands within the limits of the Snoqualmie Indian Reservation, and all other lands title to which is held in trust by the United States for the benefit of the Tribe or any individual member or members of the Tribe or held by the Tribe or an individual member of the Tribe subject to restriction by the United States against alienation and over which the Tribe exercises governmental power.

SNOQUALMIE GAMING COMMISSION means the Snoqualmie Gaming Commission established pursuant to the Snoqualmie Gaming Act, STC 8.1.

STATE means the State of Washington, its authorized officials, agents and representatives.

STATE GAMING AGENCY means such agency of the State of Washington which the governor may from time to time designate by written notice to the Tribe as the single state agency which shall act on behalf of the State under the Compact.

TRIBAL LAW ENFORCEMENT AGENCY means the police force of the Snoqualmie Indian Tribe established and maintained by the Tribe to carry out law enforcement on the Reservation.

TRIBE means the Snoqualmie Indian Tribe, a federally recognized Indian tribe.

SECTION 5.0 – IMPACT MITIGATION FUND ESTABLISHED

There is hereby created a special Tribal governmental revenue fund to be known as the "Snoqualmie Casino Impact Mitigation Fund," as directed by the Compact.

SECTION 6.0 – SOURCE OF IMPACT MITIGATION FUNDS

Pursuant to the Compact, the Tribe shall withhold and disburse a maximum of 2.0% Net Win from the Casino, except as limited by the Compact. The Snoqualmie Casino shall disburse this amount of money each month directly into an account created by the Tribe's Finance Department exclusively for the purposes of this Chapter. No Class II gaming revenues, satellite wagering revenues, "non-profit gaming table" revenues, or non-gaming revenues, such as, but not limited

to, food, beverage, wholesale or retail sales, shall be included with the 2.0% budgeted and disbursed as set forth in this section.

SECTION 7.0 – SNOQUALMIE CASINO IMPACT MITIGATION COMMITTEE ESTABLISHED

There is hereby established a Snoqualmie Casino Impact Mitigation Committee. The Committee shall consist of two representatives of the Snoqualmie Tribe designated by resolution of the Snoqualmie Tribal Council; one representative designated by the City of Snoqualmie; one representative designated by the King County Executive; and one representative of the State Gaming Agency. The composition of the Committee may be altered by mutual agreement of the Tribe and State Gaming Agency, if necessary.

SECTION 8.0 – COMMITTEE MEETINGS

The Committee shall initially meet within 120 days of the opening of the Snoqualmie Casino to develop and execute a Memorandum of Understanding containing Committee rules of order, Impact Mitigation Fund distribution procedures, and to establish factors to be used to determine negative impacts. The Memorandum of Understanding shall be presented to the Snoqualmie Tribal Council for adoption and execution by the Tribal Chairman before it is implemented. The Committee shall meet at least once every twelve (12) months from the date of the Casino's opening to discuss the following:

- (a) Actual positive and negative impacts within the county, neighboring cities, and on the Snoqualmie Tribal lands;
- (b) Services provided by the Tribe and other agencies; and
- (c) The distribution of the Impact Mitigation Fund.

SECTION 9.0 – SURPLUS IMPACT MITIGATION FUNDS

If the Committee determines that the actual impacts associated with Class III gaming do not meet or exceed the 2% withholding, the remaining funds shall be distributed by the Committee as follows:

- (a) 50% to the Snoqualmie Tribe for the purposes of law enforcement, other community needs or any combination thereof; and
- (b) 50% to be applied towards the State's regulatory costs and expenses, as set forth in Section XIII of the Compact, to the Tribal Gaming Agency, or any combination thereof.

SECTION 10.0 – DISTRIBUTION PROCEDURES

At the first meeting of the Snoqualmie Casino Impact Mitigation Committee, the Committee shall agree upon procedures for the distribution of the impact mitigation funds.

SECTION 11.0 – USE OF IMPACT MITIGATION FUNDS

Pursuant to the Compact, all funds deposited and accumulated into the Snoqualmie Casino Impact Mitigation Fund shall be used to supplement the following public services, if the Committee finds that these services are impacted by the existence and operation of the Snoqualmie Casino:

- (a) Assistance to law enforcement;
- (b) Assistance for emergency services; and/or
- (c) Assistance to other service agencies, including those agencies responsible for traffic and transportation, and water and sanitary sewer.

SECTION 12.0 – SOVEREIGN IMMUNITY

Nothing herein shall constitute a waiver of the Snoqualmie Indian Tribe's sovereign immunity.

ENACTED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 17TH DAY OF FEBRUARY, 2009 WITH 6 FOR, 1 ABSTAINING AND 0 AGAINST.

CODIFIED BY THE SECRETARY OF TRIBAL AFFAIRS ON THE 17 DAY OF February, 2009.



SECRETARY OF TRIBAL AFFAIRS