

Santa Clara Pueblo Gaming Commission



Gaming Facility Regulations

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CHAPTER III – MINIMUM INTERNAL CONTROL STANDARDS

SECTION 19: GAMING FACILITY

19.1	Purpose	19-1
19.2	Authority	19-1
19.3	Emergency Preparedness	19-1
19.4	Portable Water and Food Service	19-3
19.5	Construction and Maintenance	19-3
19.6	Hazardous Materials and Waste.....	19-5
19.7	Sanitation	19-5
19.8	Inspection, Certification and Enforcement	19-6
19.9	Compliance with Tribal Internal Control Standards	19-6
19.10	Final Decision	19-7

CHAPTER III – MINIMUM INTERNAL CONTROL STANDARDS

SECTION 19: GAMING FACILITY STANDARDS

19.1 Purpose. The purpose of these regulations is to require for the Gaming Operation to develop System of Internal Control Standards (“TICS”) for the gaming facility that are in compliance with the Compact. The requirements outlined in this Section supplement and are intended to be interpreted and applied to existing Commission regulations Chapter III Minimum Internal Control Standards.

19.2 Authority. The Commission has authority to regulate and to promulgate and enact Regulations pursuant to delegated authority from the Santa Clara Pueblo Tribal Council and the Santa Clara Pueblo Gaming Code. In addition, the Tribal-State Gaming Compact for the regulation of Class III Gaming between the Pueblo of Santa Clara and the State of New Mexico sets out responsibilities to be carried out by the Santa Clara Pueblo Gaming Commission.

19.3 Emergency Preparedness.

(1) Evacuation Plans. Each gaming operation must have a written emergency evacuation action plan for each gaming facility which address procedures to be followed in the event of fire, adverse weather or other emergencies. Emergency evacuation plans must meet the minimum criteria specified in 29 CFR 1910.38 of the Occupational Safety and Health Act standards and applicable standards, regulations or procedures adopted by the Pueblo of Santa Clara. Emergency action plans must be kept in the gaming facility and be made available for employees to review.

- (a) Back-up Power Source. Each gaming operation must equip their gaming facility with emergency generator(s) capable of restoring temporary power in the event of a power outage.
- (b) Emergency Evacuation Training. Each gaming operation must designate and train employees to assist in the safe and orderly evacuation of patrons and other employees.
- (c) Emergency Exit Signs. Emergency exit signs must be posted above the doors of the gaming facility.
- (d) Emergency Lighting. Each gaming operation must equip their gaming facility with a battery-operated emergency lighting system which is capable of providing approximately one (1) hour of lighting in the event of a power outage.
- (e) Evacuation Route Maps. Each gaming operation at their gaming facility must post evacuation route maps within restrooms and/or near each main entrance/exit.
- (f) Facility Occupancy. Each gaming facility must post occupancy signs at the main entrance(s).

(2) Fire Suppression and Safety. Each gaming operation must have a written fire prevention plan for each gaming facility to include major fire hazards, proper handling, and storage procedures for hazardous materials as identified in Section 19.6(1) below, potential ignition sources and their control, and the type of fire protection equipment necessary to control each hazard. The names or titles of employees responsible for maintaining equipment to prevent or control sources of ignition, hazards or control sources of ignition

or fires must also be included in the fire prevention plan. The fire prevention plan must be kept in the gaming facility and made available for employee review.

- (a) Fire Alarm Systems. Each gaming facility must be equipped with a fire alarm system to alert employees and patrons in the event of a fire or other emergency. Fire alarm system(s) must be inspected and/or tested bi-annually by employees or contracted personnel.
 - (b) Fire Exits. Each gaming facility must have at least two (2) fire exits routes to permit prompt evacuation of employees and other building occupants during an emergency. More than two (2) exits will be required if the number of employees, size of the building, or arrangement of the workplace will not allow employees and occupants to evacuate safely. Exit routes must be located as far away as practical from each other in case one is blocked by fire or smoke.
 - (c) Fire Extinguishers. Fire extinguishers must be strategically selected, installed, inspected, and maintained in each gaming facility as specified in NFPA 10: Standards for Portable Fire Extinguishers. Gaming employee personnel shall test fire extinguishers regularly and record the results on the equipment inspection tag. An inspection of the fire extinguishers must be conducted annually by a contracted vendor to ensure that the equipment is safe and working properly.
 - (i) Gaming management shall conduct training sessions for their employees regarding the proper use of fire extinguishers.
 - (d) Smoke Detectors. Each gaming facility must be equipped with functional smoke detectors which are located in strategic locations within the gaming facility. Smoke detectors must be tested bi-annually by employees or contracted personnel.
 - (e) Sprinkler Systems. Each gaming operation shall select, install, and maintain a sprinkler system as specified in NFPA 13: Standard for the Installation of Sprinkler Systems.
 - (f) Memorandum of Understanding ("MOU"). Gaming management should make good faith efforts to work with tribal and local government officials in order to obtain a verbal and/or written MOU to provide emergency fire department response for gaming facilities located on tribal lands which may not have available tribal fire stations or responders in the immediate area which are capable of responding to issues which may pose a threat to the environment or public health and safety.
- (3) Law Enforcement and Security. Each gaming operation shall post in conspicuous areas of the gaming facility, the contact information for the Law Enforcement departments designated to provide immediate emergency response to potential issues which may affect the public health and safety of employees and/or its patrons. Law Enforcement contact information must be posted in strategic locations within the gaming facility and made available for employee review. Gaming management, supervisors and public safety employees shall be trained to recognize potential issues which may require response from Law Enforcement.
- (a) Memorandum of Understanding ("MOU"). Gaming management should make good faith efforts to work with tribal and local government officials in order to obtain a verbal and/or written MOU to provide emergency law enforcement response for gaming facilities located on tribal lands which may not have available tribal law enforcement officers in the immediate area which are capable of responding to issues which may pose a threat to the environment or public health and safety.

(4) First Aid and Emergency Medical Services ("EMS"): Each gaming operation shall post in conspicuous areas of the gaming facility, the contact information for the Emergency Medical Services ("EMS") departments designated to provide immediate emergency response to potential issues which may affect the public health and safety of employees and/or its patrons. EMS contact information must be posted in strategic locations within the facility and made available for employee review. Gaming management, supervisors and public safety employees shall be trained to recognize potential issues which may require response from EMS.

- (a) First Aid Kits. First aid kits must be placed in strategic locations throughout each gaming facility.
- (b) Memorandum of Understanding ("MOU"). Gaming management should make good faith efforts to work with tribal and local government officials in order to obtain a verbal and/or written MOU to provide Emergency Medical Response for gaming facilities located on tribal lands which may not have available tribal emergency medical services in the immediate area which are capable of responding to issues which may pose a threat to the environment or public health and safety.

19.4 Potable Water and Food Service.

- (1) Potable Water. Each gaming operation which contracts to provide or manages potable water to the gaming facility must meet appropriate tribal standards that are equivalent to the Clean Water Act, to ensure proper water quality.
 - (a) Each gaming operation must provide a potable water supply within the gaming facility which meets applicable tribal or federal water quality standards.
 - (b) Each gaming operation which manages its own potable water supply shall comply with applicable tribal or federal water quality standards including regular analyses of the water for potential contaminants.
- (2) Food Service. Each gaming operation which operates food service establishment, or any area designated for selling any foods within the gaming facility must meet appropriate tribal standards that are equivalent to the New Mexico Food Sanitation Act, to ensure proper food handling and food safety.
 - (a) Employee Training. Food service employees shall be trained and certified in proper food handling, preparation, and storage prior to commencement of their work. Each food service employee must be issued a certificate, permit or other documentation which certifies that that they have completed a food handler's course or food safety course which was conducted in accordance with appropriate tribal standards.
 - (b) Food Establishment Inspections. Each food service establishment or area designated for selling open and prepared foods within the gaming facility must be inspected prior to its operation. Each food service establishment or area designated for selling open and prepared foods must be inspected annually or more frequently as required to ensure proper food handling, preparation, and storage.

19.5 Construction and Maintenance.

- (1) Existing Gaming Facility Structure. Gaming facility structure(s) constructed before the adoption of these facility licensing standards will be identified as an "Existing Gaming Facility Structure."

- (a) The gaming operation must identify the approximate age or year that each existing gaming facility structure was constructed and provide a list of known building, plumbing, electrical, fire, and mechanical codes which were implemented in its construction.
 - (b) An inspection of the existing gaming facility structure must be performed no later than one (1) month prior to the expiration of the facility gaming license to allow the gaming operation to certify that the existing gaming facility structures comply with these gaming facility standards and to identify any potential building, electrical, fire, plumbing or mechanical issues which pose a threat to the environment or public health and safety. Identified issues which pose an immediate threat to the environment or public health and safety must be remedied immediately. Identified issues which do not pose an immediate threat to the environment or public health and safety must be remedied in accordance with a compliance plan described in Section 19.8(3) of these standards.
 - (c) Facility addition(s) or alteration(s) to existing structures shall be completed in accordance with the building, electrical, mechanical, plumbing, and fire codes specified in the gaming facility standards. Any proposed additions, expansions or significant structural improvements must be approved by the Commission.
- (2) New Gaming Facility Construction. Construction of new gaming facilities and addition(s) or alteration(s) to existing structures shall be completed in accordance with the building, electrical, fire, plumbing and mechanical codes specified in this section of the gaming facility standards.
- (a) The gaming operation will implement the following codes during construction:
 - (i) Building Code. New gaming facilities and addition(s) or alteration(s) to existing structures shall be constructed in accordance with International Building Code ("IBC") requirements.
 - (ii) Electrical Code. New gaming facilities and addition(s) or alteration(s) to existing structures shall be constructed in accordance with National Electric Code ("NEC") requirements.
 - (iii) Mechanical Code. New gaming facilities and addition(s) or alteration(s) to existing structures shall be constructed in accordance with International Building Code ("IBC") mechanical requirements.
 - (iv) Plumbing Code. New gaming facilities and addition(s) or alteration(s) to existing structures shall be constructed in accordance with International Building Code ("IBC") plumbing requirements.
 - (v) Fire Code. New gaming facilities and addition(s) or alteration(s) to existing structures shall be constructed in accordance with the Uniform Fire Code ("UFC") requirements.
 - (b) An inspection of the existing gaming facility structure must be performed no later than one (1) month prior to the expiration of the facility gaming license to allow the gaming operation to certify that the existing gaming facility structures comply with these gaming facility standards and to identify any potential building, electrical, fire, plumbing or mechanical issues which pose a threat to the environment or public health and safety. Identified issues which pose an immediate threat to the environment or public health and safety must be remedied immediately. Identified issues which do not pose an immediate threat to the environment or public health and safety must be remedied in accordance with a compliance plan described in Section 19.8(3) of these standards.
 - (c) Facility addition(s) or alteration(s) to existing structures shall be completed in accordance with the building, electrical, mechanical, plumbing, and fire codes specified in the gaming

facility standards. Any proposed additions, expansions or significant structural improvements must be approved by the Commission

(3) Heating, Ventilation and Air Conditioning. Each gaming operation must develop and implement a maintenance and inspection schedule for heating, ventilation and air conditioning systems or contract a third-party company to inspect and maintain heating, ventilation and air conditioning systems upon expiration of heating, ventilation and air conditioning equipment warranties.

(4) Storm Water Management. Each gaming operation must install drainage accessories and equipment to the gaming facility and its gaming premises to capture and redirect storm water to a suitable area to prevent flooding. Each gaming facility must develop and implement maintenance and inspection schedule for its drainage accessories and equipment or contract with a third-party company to inspect and maintain the drainage accessories and equipment.

19.6 Hazardous Materials and Waste.

(1) Each gaming operation must evaluate materials and waste produced or imported by the gaming facility for hazards according to federal regulations promulgated by the Environmental Protection Agency ("EPA") and Occupational Safety and Health Administration ("OSHA"). The covered materials and chemicals are paints, solvents, pesticides, cleaning agents and fuels.

- (a) Hazard Communication. Identified hazards must be communicated to employees and individuals who might come into contact with them by container labeling and other forms of warning, material safety data sheets and employee training.
- (b) Hazard Training. Hazard training must be provided to employees who may be occupationally exposed to a hazard at work or who need to know the proper methods for storage prior to working with such materials. Additional training regarding hazardous materials and chemicals must be conducted as needed.
- (c) Material Safety Data Sheet ("MSDS") Binders. Material Safety Data Sheets or written procedures for handling, storage and disposal of hazardous materials or chemicals must be located in binders which are placed in strategic locations throughout the gaming facility.
- (d) Audits. Regular audits of each gaming facility must be conducted by designated employees to search for new chemicals that may have been missed and for chemicals which may have been eliminated and no longer need to be included in the binder.

19.7 Sanitation.

(1) Biohazard Disposal. Each gaming operation must have written policies for the gaming facility which provide the proper procedures for the removal and disposal of biohazard materials within the gaming facility or gaming premises.

(2) Solid Waste Disposal. Each gaming operation for the gaming facility shall designate a private company or local government to dispose of its solid waste in a manner which meets applicable tribal and federal laws.

(3) Wastewater Treatment. Each gaming operation for the gaming facility shall designate a private company, or local government to treat and dispose of its wastewater in a manner which meets applicable

tribal and federal laws.

19.8 Inspection, Certification and Enforcement.

(1) Inspection.

- (a) Inspections shall be conducted when:
 - (i) a gaming facility is subject to relicensing;
 - (ii) a new gaming facility is subject to licensing for the first time;
 - (iii) required under the Tribal-State Compact; and
 - (iv) the Commission determines that there is a particular potential building, electrical, fire, plumbing or mechanical issue which requires inspection to determine that there is no threat to the environment or public health and safety, or that the facility is in compliance with these standards.
- (b) Any inspection that is required under these standards may be conducted by inspectors or individuals with specific knowledge, experience, and/or licensure or certification in the area or field for which the inspection is being conducted. The Commission may request proof of licensure/certification or specific expertise.
- (c) The Commission, in its discretion, may hire its own independent inspector to conduct an inspection of a gaming facility or to confirm the results of an inspection report.
- (d) A written inspection report shall be required for each inspection conducted pursuant to these standards.
 - (i) The inspection report shall, at a minimum, identify:
 - (A) areas or items which are in compliance with the applicable laws, regulations, requirements or standards;
 - (B) areas or items which are not in compliance; and any areas or items of concern to the inspector.
 - (ii) Copies of such inspection reports shall be maintained for a period of three (3) years.

(2) Certification. At such times as required by these standards, or when a facility is subject to issuance of a gaming facility license or renewal of its facility license, or when requested by the Commission, gaming management shall certify in writing to the Commission that the gaming facility is in compliance with all applicable standards and requirements.

(3) Non-Compliant Items and Compliance Plan. In the event that there is an area or item that is not in compliance with an applicable law, regulation, requirement, or standard at the time of the certification, gaming management shall identify those areas or items which are not in compliance. Gaming management shall also provide a plan for the specific action it will take to bring the area or item into compliance and the estimated time to come into compliance, not to exceed six (6) months. The Commission shall submit the plan to NIGC. If it is determined that plan for compliance will exceed six (6) months, NIGC must concur with an extension of the time period for compliance.

(4) Enforcement. The failure to comply with these standards is grounds for enforcement action by the Gaming Commission.

19.9 Compliance with Tribal Internal Control Standards. The Commission will ensure the Gaming Operation remains in compliance with the TICS. Failure to comply with the TICS is an unsuitable method of operation. The Commission shall provide notification to the Gaming Enterprise or Gaming

Operation when a violation is occurring or has occurred and may take enforcement action in accordance with Section 3 of Chapter I of these regulations.

19.10 Final Decision. If at any time the interpretation of these regulations is in question, the decision of the Commission shall be final and non-appealable.