



BISHOP TRIBAL COUNCIL



CHARTER—PARTY CARRIER OF PASSENGERS—LIMOUSINE Ordinance No. 2003-0

The Bishop Tribal Council (Council), as the governing body of the Bishop Paiute Tribe (Tribe), exercising its sovereign authority as a Tribal Government as recognized by the United States Federal Government, makes the following findings:

1. The Tribe presently owns and operates a Gaming Facility (Casino) on the Bishop Paiute Reservation.
2. The Casino provides to the general public Class II and Class III gaming.
3. The Tribe operates the Casino under the authority of the Indian Gaming Regulatory Act, a Tribal Gaming Ordinance approved by the Chairman of the National Indian Gaming Commission, and a Tribal Corporate Charter, which created the Bishop Paiute Gaming Corporation (Corporation). Corporation is charged with the day-to-day management of the Casino, subject at all times to the authority of the Bishop Tribal Council and the terms and conditions of its Charter.
4. Over the past six years of operating the Casino, it has become apparent that there is a need for a Charter Carrier Limousine Service to supplement the amenities to be provided by the Casino to its existing and potential customers.
5. The stated policy and goal of Tribal gaming under the Indian Gaming Regulatory Act is to promote Tribal economic development, Tribal self-sufficiency, and strong Tribal government.

Based on these findings, and in furtherance of the stated goals of gaming and its related activities, the Council passes this Ordinance for the

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PHONE (760) 873-3584 • FAX (760) 873-4143

purpose of licensing drivers and vehicles used for purposes of providing charter—party limousine carrier service for passengers for hire under the following terms and conditions:

TERMS AND CONDITIONS

It is the purpose of this Ordinance to provide for the licensing of individuals who would operate motor vehicles licensed under this Ordinance. In addition, it is the purpose of this Ordinance to provide for licensing of each vehicle used for purposes established under this Ordinance. All licenses pursuant to this Ordinance shall be issued by the Council after receipt and review of all applications.

1. Each vehicle authorized under this Ordinance must display at all times within the interior of the vehicle a license authorizing the operation of the vehicle as a charter—party limousine carrier of passengers.
2. Each Driver of a vehicle licensed under this Ordinance must at all times have in his or her possession a license issued under this Ordinance, authorizing that individual to operate a Tribal charter—party limousine carrier vehicle.
3. In addition to the license required under this Ordinance, each driver of a vehicle licensed under this Ordinance must also have a valid California driver's license. Each driver issued a license under this Ordinance shall have the status of his or her California license verified on a six-month basis.
4. All vehicles operating and licensed under this Ordinance must be covered by applicable public liability insurance as an additional vehicle under existing Tribal public liability policies. This requirement in no way is to be interpreted as a waiver of the Tribe's sovereign immunity from unconsented suit.
5. No driver, licensed under this Ordinance, shall at any time drink alcohol, either in any vehicle licensed under this Ordinance or during any period of time while on duty employed to operate any vehicle licensed under this Ordinance.

6. Operator is defined as that Tribal entity that has the possession and control of any vehicle licensed under this Ordinance and whose employees are licensed to operate such vehicle.

7. Each vehicle licensed under this Ordinance is to be subject to the Tribe's Preventive Maintenance Program at least on a ninety-day interval. All inspections are to be performed by a certified mechanic.

The maintenance schedule at a minimum shall include inspection and maintenance of the following:

- (a) Brake adjustment
- (b) Brake system components and leaks
- (c) Steering and suspension systems
- (d) Tires and wheels
- (e) Vehicle connecting devices

These items shall be inspected more often as necessary to insure safe operation.

Any other categories, components or parts may have an inspection interval longer than ninety days, but no longer than 20,000 miles or four months, whichever comes sooner, unless it can be explained why the mileage or time exceeding these limits is reasonable.

In addition, preventive maintenance must be performed frequently enough to insure that the vehicles are in a safe and proper operating condition at all times. Vehicles which are out of service for periods longer than ninety calendar days are not required to be inspected at ninety-day intervals if they are inspected before operation on the highway.

All records of inspections conducted according to this provision shall be kept at the office of the Operator that obtains the vehicle license pursuant to this Ordinance. The records shall be retained by the Operator for at least one year, and shall be made available for inspection upon request by any authorized representative of the Tribal Council.

Each record shall include, but not be limited to, all of the following:

- (a) Identification of the vehicle, including make, model, license number, or other means of identification.
- (b) Date and nature of each inspection of any repair performed.
- (c) Signature of authorized representative verifying the inspection and to the completion of all required repairs.

8. No liquor shall at any time be consumed in any vehicle licensed under this Ordinance or any open container containing liquor be stored, transported or allowed within any such vehicle.

9. All drivers licensed under this Ordinance are subject to the mandatory controlled substance and alcohol testing certification program established by the Tribe and as implemented by the Casino. In addition, because of the nature of the duties required of an individual licensed under this Ordinance, individuals so-licensed shall not only be subject to the Tribes random testing procedures for controlled substances and alcohol, but are to be mandatorily tested at least once every twelve months in addition to any random testing.

10. All Operators who have received a vehicle license under this Ordinance shall be responsible for implementing a safety education and training program for all drivers licensed under this Ordinance. The materials used for such safety education and training program may be based upon the California Commercial Driver Handbook, published by the Department of Motor Vehicles, and DOT Federal Motor Carrier Safety Regulations Pocketbook. The subject matters to be covered include commercial driver license program, qualifications and sanctions, commercial driver license tests, inspecting the vehicle, basic control of the vehicle and any other appropriate subject matter.

CERTIFICATION

We, the undersigned duly elected members of the Bishop Tribal Council, do hereby certify that the foregoing ordinance was adopted on March 13, 2003, at which time a quorum was present by a vote of 5 for, 0 against, and 0 abstaining.


Douglas Vega, Chairman
Bishop Tribal Council

Attest:


Secretary