



**PECHANGA INDIAN RESERVATION**  
*Temecula Band of Luiseño Mission Indians*

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Tribal Secretary:  
Darlene Miranda

Tribal Treasurer:  
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**PECHANGA BUILDING AND SAFETY CODE ORDINANCE**

1. **Applicability:** The following shall apply to any covered Gaming Facility (as defined by the Tribal-State Gaming Compact) which is constructed after February 6, 2008, or to which any reconstruction, alteration or addition has occurred after that date:
2. **Standards:** All covered Gaming Facility construction shall meet or exceed the standards of the California Building Standards Code and the Public Safety Code applicable to Riverside County, including but not limited to codes for building, electrical, energy, mechanical, plumbing, fire and safety (the "Applicable Codes") as set forth in Titles 19 and 24 of the California Code of Regulations. For the purposes of this Ordinance, any reference in the Cal. Health & Safety Code to a "local agency" shall mean the Pechanga Band. Any covered Gaming Facility construction shall also comply with the Americans with Disabilities Act.
3. **Inspections:** where the Applicable Codes would otherwise require a permit, there shall be conducted an inspection by plan checkers or review firms that are either California licensed architects or engineers with relevant experience or are on the approved list of Riverside County, and by project inspectors who have been either certified per Cal. Health & Safety Code or approved as Class 1 certified inspectors by the Division of the State Architect or approved as Class A certified inspectors by the Office of Statewide Health Planning and Development or their successors (collectively, "Inspectors").
4. **Records:** Inspectors shall maintain contemporaneous records of all inspections and shall report to the Gaming Commission and to the State Designated Agency in writing any failure to comply with the Applicable Codes.
5. **Plan Check:** Where the Applicable Codes would require a plan check, those responsible for construction shall maintain for inspection and copying by the State Designated Agency upon request the following:
  - (i) The design and construction calculations, and plans and specifications that form the basis for the planned covered Gaming Facility construction (the "Design and Building Plans")

- (ii) All contract change orders and other documents that are related to any material changes to a structural detail of the Design and Building Plans or any other changes in the Design and Building Plans; and
- (iii) All other contract change orders.

6. Maintenance of Records: The Design and Building Plans shall be maintained for the term of the Amended Compact or until expiration of twenty-four (24) months following permanent cessation of occupancy of the building to which such plans and other documents apply, whichever occurs first.

7. State Designated Agency: Upon request, an agent of the State Designated Agency shall be given reasonable advance notice of any inspection required hereunder and shall be permitted to accompany the Inspector on the inspection. The State Designated Agency shall be permitted to conduct an independent inspection of the Gaming Facility to verify compliance with the Applicable Codes before public occupancy and shall report to the Gaming Commission any alleged deficiency. All inspections by the State Designated Agency shall be on at least three (3) business days' prior notice to the Gaming Commission except in circumstances posing a serious or significant risk to the health or safety of any persons; provided that before any inspection without three (3) days prior notice, the State Designated Agency shall provide the Gaming Commission written notice specifying in reasonable detail those alleged circumstances.

8. Correction of deficiencies: Any condition noted in the inspection that does not meet the Applicable Codes shall be corrected within a reasonable period of time for the nature of the violation and the scope of the required correction.

9. Final Certification: Within ten (10) days of issuance of final certification by the Inspector that a Gaming Facility meets Applicable Codes, the Gaming Commission shall forward the Inspector's certification to the State Designated Agency. If the State Designated Agency objects to the certification, a good faith effort shall be made to address the concerns. If the State Designated Agency does not withdraw its objection the matter will be resolved pursuant to the dispute resolution provisions of Section 9.0 of the Tribal-State Gaming Compact.

10. Certificate of Occupancy: The Gaming Commission shall issue a certificate of occupancy based on the final certification specified above and shall cause a review for continuing compliance to be conducted under its direction on a biennial basis.

11. Fire Suppression: Sufficient and qualified fire suppression services shall be available to the Gaming Facility. The Gaming Facility shall satisfy all requirements of the Band's fire codes and the fire codes and regulations of Riverside County.

12. Fire Inspection: Not less than thirty (30) days before the commencement of Gaming Activities in any covered Gaming Facility, and not less than biennially, and upon at least ten (10) days' notice to the State Designated Agency, the Gaming Facility shall be inspected by a tribal fire official for purposes of certifying that the Gaming Facility meets a reasonable standard of fire safety and life safety. The State Designated Agency shall be entitled to designate and have qualified representatives present during the inspection. The State's representative(s) shall specify to the Tribal official any condition which they reasonably believe would preclude certification of the Gaming Facility as meeting said standards. Within fifteen (15) days of the inspection, the Tribal official shall issue a report on the inspection identifying any deficiency in fire or life safety or fire suppression needs. Within fifteen (15) days after the issuance of the report, the Tribal official shall also require and approve a specific plan for correcting deficiencies, including those identified by the State's representative(s). A copy of the report shall be served on the State Designated Agency, upon delivery of the report to the Band. Immediately upon correction of all deficiencies identified in the report, the Tribal official shall certify in writing to the State Designated Agency that all previously identified deficiencies have been corrected.

13. Repeal of Prior Inconsistent Ordinances: Any prior ordinance of the Pechanga Band establishing different standards for building and safety applicable to the structures covered by this Ordinance shall automatically be repealed to the extent it conflicts with this Ordinance.

14. Sovereignty: Nothing in this Ordinance is intended to, nor shall in any way, subject or limit the sovereignty of the Pechanga Band, except as specifically required by the language of Section 6.4.2 of the Amended Compact. References to "Applicable Codes" are not intended to confer jurisdiction upon the State or its political subdivisions or agencies.

**CERTIFICATION**

The undersigned, the duly authorized Secretary of the Temecula Band of Luiseno Mission Indians, sometimes referred to as the Pechanga Band of Mission Indians, federally recognized as the Pechanga Band of Luiseno Mission Indians of the Pechanga Indian Reservation, does hereby certify that the foregoing ordinance was adopted at a duly called General Meeting held on March 30, 2008, by a vote of 203 "for", 04 "against", and 0 "abstentions", and such ordinance has not been rescinded or further amended in any way.

Dated: March 30, 2008



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**Darlene Miranda, Tribal Secretary**