

SIGN ORDINANCE

WHEREAS, the Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California (Tribe) is a federally recognized Indian tribe organized pursuant to Articles of Association adopted February 14, 1960 and approved by the Commissioner of Indian Affairs on March 15, 1960; and

WHEREAS, the Tribe possesses powers of self-government and sovereignty over the lands of the Rincon Indian Reservation (Reservation), including the power to regulate for the health, safety, and welfare of Reservation residents; and

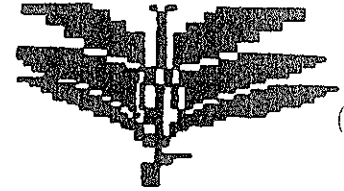
WHEREAS, the Rincon Tribal Business Committee (Council) is the duly elected governing body of the Tribe and is empowered pursuant to Section 6 of the Articles of Association to enact ordinances and to manage, lease or otherwise deal with tribal lands and community resources; and

WHEREAS, the unregulated development of signs on the Reservation is interfering with orderly development and with general health, safety and welfare,

NOW, THEREFORE, the Council does ordain as follows:

1. All signs erected on the Rincon Reservation must receive Council approval before they are constructed/erected. Council approval will be in the form of a letter of approval issued to the sign owner.
2. All signs must relate to reservation businesses or community functions or events.
3. Sign requests must demonstrate that the signs will not create a safety hazard.
4. Signs erected without prior approval from the Council are subject to the following:
 - a. If a sign is erected **without** prior Council approval, the owner will be sent a letter directing that the sign be removed.
 - b. If the sign is not removed within 10 days from the date of the letter, the sign will be removed and the owner will be charged for the expenses of removal.
 - c. In addition to removal charges, the owner will be fined \$500 for each week or portion thereof between the dates of the letter and the date the unapproved sign is removed.
 - d. Owners of the land where the sign is located will be jointly and severally liable with the sign owner.
5. Signs for Rincon Band tribal elections are exempt from this ordinance except that they must be removed within 2 weeks after the elections.
6. This ordinance shall be effective as of April 10, 2002 and shall continue to be in full force and effect until rescinded by a majority vote of the Council.

APPROVED



Rincon Indian Reservation

P.O. BOX 68 • VALLEY CENTER • CALIFORNIA 92082 • (760) 749-1051 • Fax (760) 749-8901

JOHN CURRIER
Tribal Chairman
GILBERT PARADA
Vice Chairman
BO MAZZETTI
Council Member
VERNON WRIGHT
Council Member
STEPHANIE SPENCER
Council Member

RINCON TRIBAL COUNCIL MEETING MINUTES

APRIL 10, 2002

- Attendance:** John Currier Tribal Chairman, Gilbert Parada Vice-Chairman, Vernon Wright Council Member were present, Council Members Stephanie Spencer and Bo Mazzetti were absent.
- Motion to:** Draft and direct Chairman to sign a letter to the California Bank & Trust to close out the following bank accounts and transfer the balances if any to the Wells Fargo Operating Account: Tribal, Headstart, Payroll, Utilities and Museum.
- Motion by:** Vernon Wright
Second by: Gilbert Parada
Vote: 3-yes, 0-no, 0-abstain, 2-absent
- Motion to:** Adopt an Emergency Interim Sign Prevention Ordinance (for the record Bo supports this ordinance)
- Motion by:** Vernon Wright
Second by: John Currier
Vote: 2-yes, 1-no, 0-abstain, 2-absent
- Motion to:** Have all new water hookups to be approved through the Tribal Administrator prior to any work being performed by the Public Works Crew.
- Motion by:** Vernon Wright
Second by: Gilbert Parada
Vote: 3-yes, 0-no, 0-abstain, 2-absent
- Motion to:** Accept the gaming commission budget of \$1,083,510.69 which includes one fulltime gaming commissioners salary for nine months with benefits, a \$10,000 increase for travel/training from \$50,000 to \$60,000, and a gaming commissioner stipend increase from \$15,000 to \$30,000. \$1,000,000.00 is to be from the casino and \$83,510.69 is to come from the licensing fees.
- Motion by:** Vernon Wright
Second by: Gilbert Parada
Vote: 3-yes, 0-no, 0-abstain, 2-absent

Motion to: Direct a letter to be drafted to Gaming Commission directing them to develop compliance officer and background investigators salary ranges as follows:

<u>Compliance Officer</u>		<u>Background Investigator</u>	
Level 1	\$24-30K	Entry Level Clerk	\$20-24K
Level 2	\$30-36K	Background Level 1	\$24-28K
Level 3	\$36-40K	Background Level 2	\$28-34K
Supervisor	\$40-45K	Supervisor	\$34-38K

Direct Gaming Commission to create job descriptions to meet the above listed salary ranges. John Currier to explain any details necessary to Gaming Commission.

Motion by: Vernon Wright
Second by: Gilbert Parada
Vote: 3-yes, 0-no, 0-abstain, 2-absent

Motion to: Approve the April 3, 2002 Meeting Minutes
Motion by: Vernon Wright
Second by: Gilbert Parada
Vote: 3-yes, 0-no, 0-abstain, 2-absent

Consensus: To discontinue all insurance benefits for former employee Vincent Harvey immediately.

Motion to: Approve and sign Resolution 2002-07 appointing the delegates to the Regulators association.


Motion by: Vernon Wright
Second by: Gilbert Parada
Vote: 3-yes, 0-no, 0-abstain, 2-absent.

Motion to: Approve and sign Resolution 2002-06 in support of Jamul Indian Village Land-To-Trust Application.

Motion by: Gilbert Parada
Second by: Vernon Wright
Vote: 3-yes, 0-no, 0-abstain, 2-absent

Meeting adjourned at 10:45 PM

Respectfully Submitted,



Cheryl Blackowl-Poulson
Executive Secretary

Rincon Band of Luiseño Indians

PO Box 68 Valley Center, CA 92028 ♦ (760) 749-1051 ♦ Fax: (760) 749-8901



RESOLUTION NO. 2009-05

RINCON BAND OF LUISEÑO MISSION INDIANS OF THE RINCON RESERVATION, CALIFORNIA

A RESOLUTION ENACTING AMENDMENTS TO THE SIGN ORDINANCE

WHEREAS, the Rincon Band of Luiseno Mission Indian of the Rincon Reservation, California (Tribe) is a federally-recognized Indian tribe organized pursuant to the Articles of Association adopted February 14, 1960 and approved by the Commissioner of Indian Affairs on March 15, 1960; and

WHEREAS, the Tribe possesses inherent powers of self-government and sovereignty over the lands of the Rincon Indian Reservation (Reservation), including the power to regulate for the health, safety and welfare of Reservation residents and including the power to regulate for the economic security, political integrity and the health, safety and welfare of the Tribe as a whole; and

WHEREAS, the Rincon Tribal Business Committee (Council) is the duly elected governing body of the Tribe and is empowered pursuant to Section 6 of the Articles of Association to enact ordinances to effectuate the inherent sovereign powers of the Tribe; and

WHEREAS, the Council finds that unregulated development of signs on the Reservation poses an immediate threat to the economic security of the Tribe and effective regulation of signs is necessary to preserve and enhance the economic value of the community and each area thereof;

WHEREAS, the Council determines that unregulated development of signs on the Reservation poses a threat to the health, safety, and welfare of Tribal members and Reservation residents; and

WHEREAS, the Council determines that unregulated development of signs on the Reservation poses a substantial traffic safety hazard; and

WHEREAS, the Council determines that the Tribe has a substantial governmental interest, long recognized under federal case law, in the aesthetic appearance of the Reservation as a whole; and

WHEREAS, the Council determines that effective regulation of signage on the Reservation requires a unitary regulatory approach;

Bo Mazzetti
Chairman

Stephanie Spencer
Vice-Chairwoman

Gilbert Parada
Council Member

Charlie Kolb
Council Member

Open Seat
Council Member

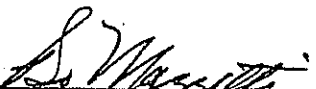
NOW, THEREFORE, BE IT RESOLVED that the Council hereby enacts the following amendments to the Tribe's Sign Ordinance, currently codified at Chapter 16 of the Rincon Tribal Code:

1. All signs erected on the Rincon Reservation must receive Council approval before they are constructed/erected. All requests for Council approval must be submitted in writing to the Executive Assistant of the Tribal Council and must meet the criteria set forth in this Ordinance. Council will provide a written response to each written request that meets the requirements of this Ordinance within 30 days of receipt.
2. Council Approval or Disapproval shall be in the form of a letter issued to the sign owner.
3. No off-site commercial signage shall be allowed under this ordinance, with the limited exception of signage for Tribal enterprises which: (1) are specifically required to provide funding for tribal governmental programs and operations as a matter of federal law; (2) the signage is constructed in a manner which mitigates traffic safety concerns to the extent reasonably practicable; and (3) the signage is constructed in a manner that is consistent with the existing aesthetic environment within the Reservation or that is consistent with comprehensive planning goals of the Tribe. "Off-site commercial sign" is a sign which advertises or informs in any manner businesses, services, goods, persons or events at some location other than that upon which the sign is located.
4. On-site commercial signage and non-commercial signage shall be constructed in a manner which mitigates traffic safety concerns to the extent reasonably practicable. Council encourages applicants to submit a written opinion of a certified traffic engineer, substantiated by factual support, that the signage reasonably mitigates traffic safety hazards.
5. On-site commercial and non-commercial signage shall be constructed in a manner that is consistent with the existing aesthetic environment within the Reservation or that is consistent with comprehensive planning goals of the Tribe. In determining whether on-site commercial and non-commercial signage is consistent with the existing aesthetic environment, the Council shall consider whether the signage is compatible with on-site and adjacent land uses.
6. Signs in support of, or in opposition to, political candidates, referenda, and initiatives, whether Tribal, federal, state, county, or local, are exempt from this Ordinance except that they must be removed within two weeks after each applicable election.
7. Any sign constructed/erected in violation of this ordinance shall be considered an imminent threat to the environment and public health and safety, shall be considered a substantive violation of Tribal Environmental law, and such violation shall be subject to enforcement actions by the Enforcement Department (RED) pursuant to the Chapter 11 of the Rincon Environmental Enforcement Ordinance.
8. In addition to the judicial remedies set forth in Chapter 11 of the Rincon Environmental Enforcement Ordinance, the Tribal Court is hereby empowered to authorize the Tribe to remove non-compliant signs and to charge the property owner and/or the owner of the sign with the expenses associated with such removal.


9. Owners of the land where the sign is located will be jointly and severally liable with the sign owner.
10. If any provision of this Ordinance, or its application to any person or circumstance is held invalid, the remainder of the Ordinance, or the application of the provision to other persons or circumstances, is not affected.

CERTIFICATION

We, the undersigned, as the governing body of the Rincon Band of Luiseño Mission Indians of the Rincon Reservation, California, do hereby certify that the Rincon Business Committee is composed of five (5) members of whom four (4) constituting a quorum were present at a meeting duly held on January 28, 2009, and that the foregoing resolution was adopted by the affirmative vote of 4 ayes, 0 noes, 0 absent and 0 abstaining.


Bo Mazzetti, Chairman


Stephanie Spencer, Vice Chairwoman


Gilbert Parada, Council Member


Charlie Kolb, Council Member

Open Council Seat