



Picayune Rancheria
of the
CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614
Mailing Address: 46575 Road 417, Coarsegold, CA 93614



TRIBAL TAX ORDINANCE

Ordinance No. 0006

Section 1. Title.

This Ordinance shall be known as the Tribal Tax Ordinance (the “Tax Ordinance,” or “Ordinance”).

Section 2. Declaration.

- 2.1. This Ordinance shall be construed in order to accomplish its purposes, which are as follows:
- 2.1.1 To promote economic vitality within the Tribe’s jurisdiction;
 - 2.1.2 To provide a revenue stream for essential governmental public works, education, health care, and Tribal Elder services;
 - 2.1.3 To provide capital for essential health and human safety, planning and development for public utility services, and governmental infrastructure projects;
 - 2.1.4 To provide increased services to members of the Tribe;
 - 2.1.5 To provide funds for the tribal government of the Tribe; and
 - 2.1.6 To impose a system of taxation on financial transactions, the sale of products and services on lands under the jurisdiction of the Tribe.

Section 3. Authority.

- 3.1. This Tax Ordinance is enacted pursuant to the inherent sovereign powers of the Tribe and through Article V, Sections (a)-(c) and (l)-(n) of the Constitution of the Picayune Rancheria, specifically Article V, Section (n) which provides, “to promulgate and enforce ordinances providing for taxes, assessments, and license fees upon all persons doing business within the exterior boundaries of the Picayune Reservation, and to grant special rights or privileges to, and otherwise regulate the conduct of business activities within the Picayune Reservation”.
- 3.2. Nothing in this Ordinance shall be construed to constitute a waiver of sovereign immunity of the Tribe or any entity of the Tribe.

Section 4. Definitions.

Unless a word or phrase is expressly defined elsewhere in this Tax Ordinance, the following words and phrases shall have the meanings indicated:

- 4.1. "Beverages" means all drinks, whether hot or cold, consumed at the Gaming Facility that are packaged or prepared for sale, including alcoholic beverages, beer and wine.
- 4.2. "Blending" means the process of mixing gasoline, diesel or other Motor Fuel with another liquid or product, wherein the byproduct of this process may be used as fuel to propel a motor vehicle.
- 4.3. "Commercial Cannabis Ordinance" means the Commercial Cannabis Ordinance of the Picayune Rancheria of the Chukchansi Indians approved by the Tribal Council on February 22, 2021.
- 4.4. "Complimentary" or "Complimentaries" means any provision of goods or services at or in connection with the Tribe's Gaming Facility without cash payment, including rooms and amenities, whether provided through a "Players Club" or through a similar credit system.
- 4.5. "Consumer" means and includes any Person who consensually purchases, receives, or comes into possession of a product, such as a tobacco, Motor Fuel, or other retail product, from a Tribal Retailer located on Tribal Land.
- 4.6. "Fiscal Department" means the department of the Tribe that is charged with the management and oversight of the Tribe's budget and financial matters.
- 4.7. "Fiscal Director" means the Director of the Tribe's Fiscal Department.
- 4.8. "Food" means any edible food item, whether hot or cold, that is sold and consumed at the Gaming Facility. Packaged snack foods, candy, confectionary, and chewing gum are exempt from the Tribal Sales Tax.
- 4.9. "Fuel additive" means any liquid, mixture, or product that is used in Blending.
- 4.10. "Gaming Facility" or "Facility" means any building in which Class III gaming activities or gaming operations occur, or in which the business records, receipts, or other funds of the gaming operation are maintained (but excluding offsite facilities primarily dedicated to storage of those records, and financial institutions), and all rooms, buildings, and areas, including parking lots and walkways, a principal purpose of which is to serve the activities of the Gaming Facility.
- 4.11. "Gross Hotel Receipts" means the gross amount of revenues received from the letting of Hotel Rooms. Gross Hotel Receipts are deemed to have been received on a daily basis as rooms are let; excluded from Gross Hotel Receipts are receipts from Occupancy Related Services.

- 4.12. "Gross Sales Receipts" means the gross revenues received from the sale of Food, Beverages, tobacco products and tangible personal property, including Motor Fuel, but excluding the value of Complimentaries.
- 4.13. "Hotel" means any building or facility located on Tribal Land that is used to provide overnight accommodations to guests for a fee, including any recreational vehicle (RV) park or campground.
- 4.14. "Hotel Operator" means any Person who owns and operates a Hotel on Tribal Land.
- 4.15. "Hotel Room" or "Room" means any room of any kind that is let out for use and possession related to lodging purposes, including spaces in a Recreational Site.
- 4.16. "Hotel Occupancy Tax" means the tax imposed upon the occupancy or right of occupancy of any Room.
- 4.17. "Motor Fuel" means any petroleum or other motor vehicle fuel products, including those that have undergone Blending, and any byproduct of Blending.
- 4.18. "Occupancy" or "Use and Occupancy" means the use or possession, or the right to the use or possession, of any Room.
- 4.19. "Occupancy Related Services" means services related to the Use and Occupancy of a Room, such as Internet, telephone, laundering, pay-per view television, and room service delivery.
- 4.20. "Person" means any individual, tribe, tribal entity, sole proprietorship, firm, partnership, corporation, or association.
- 4.21. "Product" means all tangible personal property, but does not include Motor Fuel subject to the Tribal Fuel Tax or tobacco subject to the Tribal Tobacco Tax.
- 4.22. "Recreational Site" means any Recreational Vehicle (RV) park or camping site located on Tribal Land that is let out for the use and possession related to lodging.
- 4.23. "Retail Seller" means (i) the Tribal Gaming Facility, (ii) any of the restaurants, delis, food stands, cafes, bars, gift shops or retail establishments located in the Gaming Facility, and (iii) any Tribal Retailer.
- 4.24. "Sale" or "Sales" or their derivatives means and includes all sales, barter, trades, exchanges, rental, leasing or other transfers of ownership or possession, for value, of a Product to a Consumer.
- 4.25. "Sale at Retail" or "Retail Sale" means a sale, lease, or rental of a Product, not subject to California sales or use tax, for any purpose other than for resale, sublease, or sub-rent, and shall not include sales related to the rendering of services.

- 4.26. "Tribal Council" or "Council" means the governing body of the Picayune Rancheria of Chukchansi Indians.
- 4.27. "Tribal Cannabis Tax" means the tax imposed by this Ordinance on the Retail Sale of Cannabis Product, as defined in the Commercial Cannabis Ordinance.
- 4.28. "Tribal Land" means all lands under the jurisdiction of the Picayune Rancheria of Chukchansi Indians.
- 4.29. "Tribal Member" means an enrolled member of the Picayune Rancheria of Chukchansi Indians.
- 4.30. "Tribal Fuel Tax" means the tax imposed by this Ordinance on Motor Fuel within the jurisdiction of the Tribe.
- 4.31. "Tribal Sales Tax" means the tax imposed on Sales of Products under this Ordinance.
- 4.32. "Tribal Tobacco Tax" means the tax imposed by this Ordinance on cigarettes and other tobacco products within the jurisdiction of the Tribe.
- 4.33. "Tribal Retailer" means and includes any authorized Person who, in the ordinary course of the Person's business, sells any Product at retail to a Consumer on land within the Tribe's jurisdiction.
- 4.34. "Tribal Tax Stamp" means an official tax stamp of the Tribe that is applied to tobacco packages intended for Retail Sale on land within the Tribe's territorial jurisdiction.
- 4.35. "Tribal Tobacco" means all tobacco products whose packaging is not affixed with another government jurisdiction's tax stamp.
- 4.36. "Tribal Wholesaler" means a Person who, in the ordinary course of business, sells Products to Tribal Retailers or Persons intended for resale on land within the Tribe's territorial jurisdiction.
- 4.37. "Tribe" means the Picayune Rancheria of Chukchansi Indians.

Section 5. Fiscal Department

- 5.1. Establishment of Fiscal Department; Authority. A Fiscal Department is hereby established with the authority and responsibility to ensure the collection of taxes imposed by this Ordinance.
- 5.2. Tribal Tax Account. The Fiscal Department shall deposit proceeds of the taxes imposed by this Ordinance into the general fund or account of the Tribe within ten days of collection.

- 5.3. Composition of Fiscal Department. The Fiscal Department shall be composed of between one and three members appointed by the Tribal Council.
- 5.4. Fiscal Director. The Tribal Council shall designate one member of the Fiscal Department to act as the Fiscal Director. In addition to any duties imposed upon the Fiscal Director under this Ordinance, the Fiscal Director shall be responsible for carrying out the duties of the Fiscal Department.
- 5.5. Compensation. The members of the Fiscal Department may be compensated in an amount to be determined by the Tribal Council.

Section 6. Tribal Sales Tax.

- 6.1. Scope. The Tribal Sales Tax imposed under this Ordinance applies to Retail Sales of Products within the Tribe's jurisdiction, including Sales that occur at the Tribe's Gaming Facility and at other retail business outlets of the Tribe.
- 6.2. Tribal Sales Tax Imposition. A Tribal Sales Tax is hereby imposed on Retail Sales of Products within the jurisdiction of the Tribe, including at the Tribe's Gaming Facility. Nothing in this section shall be construed to impose a tax on distributing, supplying, furnishing, or transporting of Products, or on the Retail Seller.
- 6.3. Incidence. The ultimate incidence of and liability for payment of the Tribal Sales Tax is on the Consumer.
- 6.4. Rate. The Tribal Sales Tax shall be at a rate of 8.75% of Gross Sales Receipts.
- 6.5. Seller's Permit Not Required. Nothing in this section shall be construed to require any Retail Seller to obtain a seller's permit from the Tribe.
- 6.6. Individuals, Entities and Items Exempt from Taxation. The Tribal Sales Tax levied in Section 6.2 shall not apply to sales to:
 - 6.6.1 Tribal Members; or
 - 6.6.2 The Tribe, including its instrumentalities and wholly-owned entities.
- 6.7. Method for Individual Exemption. When purchasing Products, it is the responsibility of each Tribal Member to present his or her Picayune Rancheria Tribal enrollment card. The Retail Seller has the right to refuse a tax exemption at the time of sale without proper identification and/or proper presentation of a Tribal enrollment card.
- 6.8. Method for Entity Exemption. When purchasing Products, it is the responsibility of each Tribal Department or entity of the Tribe to provide a tax exempt identification number to an employee or agent of the Retail Seller. The Retail Seller has the right to refuse a tax exemption at the time of sale without proper identification and/or

proper validation of a Tribal government entity tax-exempt number.

- 6.9. The Tribal Sales Tax shall not apply to the following items and sales transactions:
- 6.9.1 Products sold from vending machines.
 - 6.9.2 The amount received or billed by the Retail Seller for remittance to an employee as a gratuity or tip, if the gratuity or tip is separately identified and itemized on the guest check or billed to the customer.
 - 6.9.3 Packaged snack foods, candy, confectionary, chewing gum, and bottled water.
 - 6.9.4 Any charges related to the rendering of services.
- 6.10. Complimentaries and Reward Points. There shall be no exemption from the Tribal Sales Tax for tangible personal property provided on a Complimentary basis or purchased with reward points associated with the Gaming Facility's Player's Club or other promotional credits, except as provided in Section 6.11 herein.
- 6.11. Beverages on Gaming Facility Casino Floor. Complimentary beverages provided to patrons on the Gaming Facility casino floor shall be exempt from the Tribal Sales Tax.
- 6.12. Collection of Tax. The Tribal Sales Tax imposed under this Ordinance shall be collected by the Retail Seller and remitted monthly to the Tribe, care of the Fiscal Department, on or before the fifteenth (15th) day following the end of each calendar month. The Retail Seller shall complete a return for the preceding month on a form prescribed by the Fiscal Director, showing the entire amount of Gross Sales Receipts from Retail Sales, the allowable deductions due to exemptions, and the amount of tax to be remitted. The monthly return shall be signed by an employee or a duly authorized agent of the Retail Seller, and if applicable, the Person preparing the return.

Section 7. Hotel Occupancy Tax.

- 7.1. Scope. This Section shall apply to all Hotel Operators located on Tribal Land.
- 7.2. Imposition of Hotel Occupancy Tax. A Hotel Occupancy Tax is hereby imposed on the Occupancy of every Room. The Hotel Occupancy Tax shall be collected by the Hotel Operator.
- 7.3. Incidence. The ultimate incidence of and liability for the payment of the Hotel Occupancy Tax is on the Person using and occupying the Room, and nothing in this Ordinance shall be construed to impose a tax on the Hotel Operator.
- 7.4. Rate of Tax. The tax shall be at a rate of 14% of Gross Hotel Receipts. The Tribal Council may change the Hotel Occupancy Tax rate by a duly enacted Tribal

Council Resolution. Upon changing the Hotel Occupancy Tax, the Tribal Council must inform all Hotel Operators of the tax rate change.

- 7.5. Individuals, Entities and Items Exempt from Taxation. The Hotel Occupancy Tax shall not apply to the following individuals or entities:
 - 7.5.1 Tribal Members; or
 - 7.5.2 The Tribe, including its instrumentalities and wholly-owned entities.
- 7.6. Method for Individual Exemption. When making a reservation or tendering payment for the Occupancy of a Hotel Room, it is the responsibility of each Tribal Member to present his or her Tribal enrollment card to an employee or agent of the Hotel Operator. The Hotel Operator has the right to refuse a tax exemption without proper identification and/or proper presentation of a Tribal enrollment card.
- 7.7. Method for Entity Exemption. When making a reservation or tendering payment for the Occupancy of a Hotel Room, it is the responsibility of each Tribal department or entity of the Tribe to provide a tax exempt identification number to an employee or agent of the Hotel Operator. The Hotel Operator has the right to refuse a tax exemption without proper identification and/or proper validation of a Tribal government entity tax exempt number.
- 7.8. There shall be no exemption from the Hotel Occupancy Tax for Rooms provided on a Complimentary basis, or purchased with reward points associated with the Gaming Facility's Player's Club or other promotional credits.
- 7.9. The Hotel Occupancy Tax shall not apply to fees or charges itemized on a Hotel bill and associated with Occupancy Related Services, including internet, telephone, pay-per view television, laundering, and room service.
- 7.10. Collection of Tax. The Hotel Occupancy Tax shall be collected by the Hotel Operator and remitted monthly to the Tribe, care of the Fiscal Department, on or before the fifteenth (15th) day following the end of each calendar month. The Hotel Operator shall complete a return for the preceding month on a form prescribed by the Fiscal Director, showing the entire amount of Gross Hotel Receipts, the allowable deductions due to exemptions, and the amount of tax to be remitted. The monthly return shall be signed by the Hotel Operator or the Hotel Operator's duly authorized agent, and if applicable, the Person preparing the return.

Section 8. Tribal Tobacco Tax.

- 8.1. Scope. The Tribal Tobacco Tax applies only to Tribal Tobacco within the Tribe's jurisdiction. The Tribal Tobacco Tax displaces all other taxes on such transactions, including the Tribal Sales Tax.
- 8.2. Incidence. The legal incidence of the Tribal Tobacco Tax is declared to be on the Tribal Retailer. The Tribal Retailer may include the tax imposed by this Section in

the retail price of Tribal Tobacco products.

8.3. Rate of Tax. The rate of the Tribal Tobacco Tax is set forth at Section 8.4 and may be revised from time to time in accordance with Section 8.4.

8.4. Imposition of Tribal Tobacco Tax. A Tribal Tobacco Tax is hereby imposed upon the sale of Tribal Tobacco by a Tribal Wholesaler to a Tribal Retailer at the following rates:

8.4.1 Upon packages and cartons of cigarettes within the Tribe's territorial jurisdiction at a rate set by Tribal Council resolution. Upon setting or changing the tax rate on Tribal cigarettes, the Tribal Council shall cause all Tribal Wholesalers and Tribal Retailers to be informed of the new tax rate.

8.4.2 Upon smoking tobacco, snuff, chewing tobacco, and electronic cigarettes within the Tribe's territorial jurisdiction, a tax at a rate set by Tribal Council resolution. Upon setting or changing the tax rate on smoking tobacco, snuff, chewing tobacco, and electronic cigarettes, the Tribal Council shall cause all Tribal Wholesalers and Tribal Retailers to be informed of the new tax rate.

8.4.2.1 For purposes of this section 8.4.2, "electronic cigarettes" means any device or delivery system sold in combination with nicotine which can be used to deliver to a person nicotine in aerosolized or vaporized form, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic cigarettes include any component, part, or accessory of such a device that is used during the operation of the device when sold in combination with any liquid or substance containing nicotine. Electronic cigarettes also include any liquid or substance containing nicotine, whether sold separately or sold in combination with any device that could be used to deliver to a person nicotine in aerosolized or vaporized form. Electronic cigarettes do not include any device not sold in combination with any liquid or substance containing nicotine, or any battery, battery charger, carrying case, or other accessory not used in the operation of the device if sold separately.

8.4.3 Upon cigars, of all descriptions made of tobacco or any substitute therefore, within the Tribe's jurisdiction a tax at a rate set by Tribal Council resolution. Upon setting or changing the tax rate on cigars, the Tribal Council shall cause all Tribal Wholesalers and Tribal Retailers to be informed of the new tax rate.

8.5. Prohibition.

8.5.1 No Person shall be permitted to sell tobacco and tobacco products from or

on Tribal Land without first obtaining a license from the Fiscal Department in accordance with this Ordinance. Licenses shall only be issued to Tribal Wholesalers and Tribal Retailers owned directly or indirectly by the Tribe.

- 8.5.2 Any Person or entity who fails to collect a Tribal Tobacco Tax shall be guilty of a civil violation of the Tribal Tobacco Regulatory Ordinance and subject to suspension or revocation of their Tribal Tobacco License pursuant to the Tribal Tobacco Regulatory Ordinance and any regulations promulgated thereunder.
- 8.6. Payment of Tax. Every Tribal Retailer is required to purchase tax stamps from the Fiscal Department and affix the stamps to each package or carton of cigarettes purchased by a Tribal Retailer, in order to evidence the payment of the tax. The Fiscal Director shall sell the applicable tax stamps to the Tribal Retailer at the rate set pursuant to section 8.4 hereof.
- 8.7. Records of Tribal Wholesalers and Retailers. All Tribal Wholesalers and Tribal Retailers who are liable for collecting or paying taxes under this Ordinance shall maintain accurate written records of the purchase, inventory, and retail sales of cigarettes and tobacco products, records to verify that the Tribal Tobacco Tax was paid to the Fiscal Department, and shall make such records available for inspection by the Fiscal Director and by any auditor retained by the Tribe. Records shall be maintained for no less than three (3) years after an audit is completed and accepted by the Fiscal Director.
- 8.8. Tax Stamps.
- 8.8.1 The Fiscal Department shall provide for the manufacture, delivery, storage, inventory and safeguarding of such stamps, receipts or other documents and shall safeguard such instruments against theft counterfeiting and improper use.
- 8.8.2 Such stamps shall contain a mark, logo or other information which identifies the Tribe.
- 8.8.3 The Fiscal Department may exchange new stamps for damaged out of date or otherwise unusable stamps under such rules and regulations as may be approved by the Tribal Council.
- 8.9. Forgery of Stamps or Other Tax Instruments. Any Person who falsely or fraudulently forges, embezzles, steals knowingly converts, knowingly misapplies or permits to be applied or counterfeits any stamps, tags, licenses or other instrument evidencing payment of taxes prescribed for use in this Section 8 or who shall use, pass, tender as true or otherwise be in possession of any unauthorized, false, altered, forged, counterfeited or previously used instrument for the purpose of evading the payment of the Tribal Tobacco Tax shall be guilty of a civil violation of the tribal Tobacco Regulatory Ordinance and implementing regulations. Each counterfeited, embezzled, stolen, converted, misapplied or forged stamp or other

instrument shall each constitute a separate violation.

8.10. Audit Process.

8.10.1 Policy. The Tribe shall create a verification process intended to:

8.10.1.1 Reconcile data from all sources that make up the stamping, selling, and taxing activities under each license issued under this Section 8; and

8.10.1.2 Verify compliance with the provisions of this Section 8.

8.10.2 Selection of Auditor. To implement the above-stated policy, the Fiscal Department shall contract with an independent third-party auditor that is a certified public accountant in good standing, subject to the approval and direction of the Tribal Council.

8.10.3 Review of Records. The auditor shall review, at minimum, the following records from Tribal Wholesalers and Tribal Retailers:

8.10.3.1 Records relating to purchases of cigarettes and other tobacco products from any wholesaler, distributors or from any other Person;

8.10.3.2 Records relating to sales of cigarettes and tobacco products and cigarette and tobacco products inventory;

8.10.3.3 Records verifying purchase and appropriate use of Tribal Tax Stamps in compliance with this Section 8; and

8.10.3.4 Records verifying that the total retail price to the Consumer included the Tribal tobacco Tax.

Section 9. Tribal Fuel Tax.

9.1 Scope. The tax imposed in this Section 9 is applicable only to Motor Fuels within Tribal Land and shall displace the Tribal Sales Tax.

9.2 Imposition of Fuel Tax. There is hereby imposed upon the receipt of Motor Fuel on lands within the Tribes territorial jurisdiction a Tribal Fuel Tax at a rate per gallon set by Tribal Council resolution. Upon setting or changing the rate of the Tribal Fuel Tax, the Tribal Council shall cause all Tribal Wholesalers and Tribal Retailers of Motor Fuel to be informed of the new tax rate.

9.3 Incidence. The legal incidence of the Tribal Fuel Tax is on the Tribal Retailer. The Tribal Retailer may include the tax imposed by this Section in the retail price of Motor Fuel.

- 9.4 Exemptions. The following shall be exempted from the Tribal Fuel Tax:
- 9.4.1 Motor Fuel sold to the Tribe or any instrumentality thereof, and including all officials and employees engaged in official business and utilizing vehicles bearing official Tribal government identification;
 - 9.4.2 Motor Fuel sold to the United States government or any agency thereof, and including all officials and employees engaged in official business and utilizing vehicles bearing official U.S. government license plates;
 - 9.4.3 Motor Fuel sold to the government of California or any agency thereof: and including all officials and employees engaged in official businesses and utilizing vehicles bearing official State government license plates; *provided*, that, such exemption is conditioned upon the determination and declaration by the Fiscal Department, from time to time, that the State of California currently extends a similar exemption to the Tribe, its agencies and officials and employees;
 - 9.4.4 The sale delivery or receipt of Motor Fuel that the Tribe is prohibited from taxing under the Constitution and laws of the United States or the Constitution of the Tribe; and
 - 9.4.5 The Tribal Council may provide for additional exemptions by written resolution.
- 9.5 Non-Application of State Motor Fuel Tax.
- 9.5.1 To the fullest extent provided by applicable federal and Tribal law, no state tax shall be permitted to be imposed on any Motor Fuel delivered to, purchased by, or sold by the Tribe, including any Tribal Retailer or Tribal Wholesaler, or any other Person licensed by the Tribe to sell Motor Fuel within the jurisdiction of the Tribe.
 - 9.5.2 To the fullest extent provided by applicable federal and Tribal law, unless provided in a written agreement between the Tribe and the State, no State tax shall be imposed upon the wholesale or retail of Motor Fuel by the Tribe, including Tribal Retailers and Tribal Wholesalers, within the jurisdiction of the Tribe.

Section 10. Tribal Cannabis Tax

- 10.1 Definitions. For the purpose of this Section 10 only, all capitalized terms not otherwise defined in this Ordinance shall have those ascribed to them in the Commercial Cannabis Ordinance, adopted by the Tribal Council on February 22, 2021, as amended.
- 10.2 Scope. The Tribal Cannabis Tax imposed in this Section 10 is applicable to all

Retail Sales of Cannabis Product occurring at a Registered Retail Establishment within the Tribe's jurisdiction. The Tribal Cannabis Tax replaces all other taxes on such transactions, including the Tribal Sales Tax.

- 10.3 Incidence. The legal incidence of the Tribal Cannabis Tax shall be on the Commercial Cannabis Enterprise engaging in the Retail Sale of Cannabis Product. The responsible Commercial Cannabis Enterprise may include the Tribal Cannabis Tax imposed by this Section 10 in the price of the Cannabis Product.
- 10.4 Imposition of Tribal Cannabis Tax. The Tribal Cannabis Tax shall apply to Commercial Cannabis Enterprises engaging in the Retail Sale of Cannabis Product.
- 10.5 Rate of Tax. The rate of the Tribal Cannabis Tax shall be 10% of Gross Sales Receipts from the Retail Sale of Cannabis Product only, but shall exclude:
- 10.5.1 any cash discounts allowed and taken on the Retail Sale of Cannabis Product;
 - 10.5.2 such part of the sale price of any Cannabis Product returned by purchasers to the seller as refunded by the seller by way of cash or credit allowances;
 - 10.5.3 if occurring entirely on Tribal Land, the cash value of sales, trades or transactions between departments or units of the same Commercial Cannabis Enterprise; and
 - 10.5.4 transactions between Permittee's that are directly or indirectly controlled, or under common control, by the same Person.

The Tribal Council may, by resolution, provide for additional exclusions by Resolution.

- 10.6 Collection of Tax. The Tribal Cannabis Tax imposed under this Section 10 shall be collected by the responsible Commercial Cannabis Enterprise and remitted monthly to the Tribe, care of the Fiscal Department, on or before the fifteenth (15th) day following the end of each calendar month. The Commercial Cannabis Enterprise shall complete a return for the preceding month on a form prescribed by the Fiscal Director, showing the entire amount of Gross Sales Receipts from Retail Sales of Cannabis Product, the allowable deductions due in accordance with subsection 5.1-5.4 of this Section 10, above, and the amount of tax to be remitted. The monthly return shall be signed by a Licensee authorized by the responsible Commercial Cannabis Enterprise.
- 10.7 Tribal Cannabis Tax Account. The Fiscal Department shall deposit all Tribal Cannabis Tax revenues collected under this Section 10 into a separate bank

account established and maintained for such purpose.

- 10.8 Records. Commercial Cannabis Enterprises who are liable for collecting or paying taxes under this Ordinance shall maintain accurate written records of all Commercial Purchases, inventory, and Retail Sales of Commercial Cannabis to verify that the appropriate amount of Tribal Cannabis Tax was paid to the Fiscal Department, and shall make such records available for inspection by the Chukchansi Health and Safety Commission, the Fiscal Director and any auditor retained by the Commission or the Tribe. Records shall be maintained for no less than three (3) years after any return submitted under subsection 7 of this Section 10, above, and three (3) years after an audit is completed and accepted.
- 10.9 Prohibition. No Person shall be permitted to sell Commercial Cannabis from or on Tribal Land without first obtaining the applicable License or Permit from the Chukchansi Health and Safety Commission in accordance with the Commercial Cannabis Ordinance. Any Person or entity who fails to collect or pay the Tribal Cannabis Tax shall be in violation of this Ordinance and the Commercial Cannabis Ordinance, and subject to suspension or revocation of their License or Permit pursuant to the Commercial Cannabis Ordinance and any regulations promulgated thereunder.
- 10.10 Limitations on Tribal Cannabis Tax Expenditures. Tribal Cannabis Taxes collected pursuant to this Section 10 shall only be used to:
- 10.10.1 fund essential Tribal government operations and programs;
 - 10.10.2 provide for the general welfare of the Rancheria and its members;
 - 10.10.3 promote Tribal economic development; and
 - 10.10.4 donate to charitable organizations.

Section 11. General Provisions

- 11.1 Effective Date. This Ordinance shall become effective on the date of its adoption by the Tribal Council.
- 11.2 Preventing or Enjoining Collection. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against the Tribe, including its instrumentalities and wholly-owned entities including but not limited to the Chukchansi Economic Development Authority, the Chukchansi Gold Resort & Casino, any Tribal Retailer or against any officer of the Tribe or employee or agent of the Chukchansi Gold Resort & Casino to prevent or enjoin the collection under this Ordinance of any tax or any amount of tax required to be collected.

- 11.3 Judicial Review. Nothing in this Ordinance shall be construed to confer jurisdiction on a tribunal to hear any dispute or cause of action arising from this Ordinance.
- 11.4 Amendments Deemed Part of Ordinance. All amendments of the Tax Ordinance enacted subsequent to the effective date of this Ordinance shall automatically become a part of this Ordinance.
- 11.5 Severability. The invalidity of clause, sentence, or provision of this Ordinance shall not affect the validity of part of this Ordinance that can be given effect without such invalid part or parts.