

**Regulatory Commission Minutes**  
**October 16, 2003**  
**5:30 p.m.**

**Regular Session: Yes**

**Call to Order: Meeting was called to order at 5:48 p.m.**

**Commissioners Present: Julie Carver, Chairperson, Tim LaCroix, Acting Secretary/Treasurer**

**Commissioners Absent: Daugherty Johnson (Unexcused)**

**Guests:**

*Delete all reports from Regulatory Department. Add 2 New Business Items-both Legal Opinions*

**Motion made by Tim LaCroix and supported by Julie Carver**

**To approve Agenda as amended.**

**Vote: 2-Yes, 0-No, 1-Absent, 0-Abstained**

**Motion Carried**

**Motion made by Julie Carver and supported by Tim LaCroix**

**To table approval of the minutes of October 9, 2003, until next weeks meeting on October 23, 2003.**

**Vote: 2-Yes, 0-No, 1-Absent, 0-Abstained**

**Motion Carried**

*Agenda Item 4: No phone polls made. No action needed*

*Agenda Item 5, 6, 7: .*

**Motion made by Julie Carver and supported by Tim LaCroix**

**To request Bi-weekly reports from the Licensing and Surveillance Departments.**

**Vote: 2-Yes, 0-No, 1-Absent, 0-Abstained**

**Motion Carried**

*Agenda Item 8. No Financial Report from Regulatory Department, however Commission Budget shows deficit. Due to Val Tweedie's absence, unable to clarify discrepancies.*

*Agenda Item 9: FYI – Copy of Letter sent to Chairman Ettawageshik regarding intent of motion for the position of Surveillance Manager. After requesting clarification of intent of motion. I discussed Tribal Councils motion of July 2001, giving Albert Colby, Tribal Administrator supervisory oversight of the Regulatory Director. By Tribal Councils motion of September 8, 2003, approving use of Regulatory Handbook by Regulatory Staff, Mr. Cooks, probationary period ended after 90 days. Furthermore, after speaking with Mr. Jim Bransky, believes that due to Tribal Council action in June/July of 2001, giving oversight of the Regulatory Staff to the Tribal Administer, Mr. Colby has the ability to complete an evaluation of Mr. Cook as his Supervisor. (Lengthy discussion pursued regarding Gaming Regulatory Commission governing capacity)*

*Agenda Item 10a. License Approvals*

**Motion made by Julie Carver and supported by Tim LaCroix**

**To approve upgrading 6 temporary licenses to permanent licenses and upgrade 1 non-key temporary license to a permanent status**

**Vote: 2-Yes, 0-No, 1-Absent, 0-Abstained**

**Motion Carried**

*Discussion: Commissioner Carver agrees that clarification of Commission authority is needed to function effectively.*

**Motion made by Tim LaCroix and supported by Julie Carver**

**To Request that the Tribal Attorney put forth a request for a declarative judgement through the Tribal Court on whether or not a Tribal Council Resolution can supersede a Tribal Statute. In particular, Waganakising Odawak Statue 2001-02, Section X.E. wherein it states that the Gaming Regulatory Commission shall be authorized to employ such staff and/or consultants as reasonably may be required to fulfill its responsibilities under this Ordinance vs a Tribal Council Resolution giving the authority to “employ” staff (and all that the word “employ” entails) to the Tribal Administrator.**

**Vote: 2-Yes, 0-No, 1-Absent, 0-Abstained**

**Motion Carried**

**Motion made by Tim LaCroix and supported by Julie Carver**

**To request for a written legal opinion from the Tribal Attorney as to whether or not continued involvement of the Tribal Administrator on personnel issues of the Gaming Regulatory Commission staff is in violation of a Tribal Council motion of September 8, 2003 wherein the Gaming Regulatory Commission was directed to continue to use the Gaming Regulatory Commission Employee Handbook (without any changes) until it is merged with the government employee handbook. In particular, the Gaming Regulatory Commission Employee Handbook does not include the Tribal Administrator in any way and to do so would cause a change to the Gaming Regulatory Commission Employee handbook which could be interpreted as a violation of the September 8, 2003 Tribal Council motion.**

**Vote: 2-Yes, 0-No, 1-Absent, 0-Abstained**

**Motion Carried**

The next Regular Scheduled meeting to occur on October 23, 2003.

**Motion made by Tim LaCroix and supported by Julie Carver**

**To adjourn meeting at 7:00 p.m.**

**Vote: 2-Yes, 0-No, 1-Absent, 0-Abstained**

**Motion Carried**

**These Minutes have been read and approved as written:**

**Approved:**

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**Tim LaCroix, Acting Commission Secretary/Treasurer**

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**Date**