

1 **WAGANAKISING ODAWAK STATUTE _____**
2 **ODAWA GAMING ENTERPRISE MANAGEMENT STATUTE**

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5 **SECTION I. REPEALS AND REPLACES**

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7 This Statute repeals and replaces Waganakising Odawak Statute 2009-012 Gaming
8 Delegation and Authority Statute and any previous Gaming Board of Directors Statutes including
9 Waganakising Odawak Statute 2004-008, and Waganakising Odawak Statute 2001-12, as
10 amended by Waganakising Odawak Statute 2000-02.

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13 **SECTION II. PURPOSE AND TITLE**

14
15 The Little Traverse Bay Bands of Odawa Indians (the “Tribe”) exercises powers of self-
16 government over its Citizens and territory. In accordance with Article VII (D) (4), the purpose of
17 this Statute is to govern the issuance of the Little Traverse Bay Bands of Odawa Indians charter
18 of incorporation for economic purpose, to provide for the management of the Gaming
19 Commercial Enterprises and to delegate such management to a Tribally chartered corporation in
20 accordance with Article VII (D) (24) and regulate such tribally chartered corporation activities in
21 accordance with Article VII (D) (4).

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24 **SECTION III. DEFINITIONS**

- 25
26 **A.** “*Board of Directors*” shall mean the Board of Directors of the Corporation.
27
28 **B.** “*Compact*” shall mean the “Tribal-State Gaming Compact between Little Traverse Bay
29 Bands of Odawa Indians and the State of Michigan.
30
31 **C.** “*Corporation*” shall mean the Odawa Gaming Enterprise Management, Inc.

1 **D.** “*Executive*” means the Executive branch of the Little Traverse Bay Bands of Odawa
2 Indians.

3
4 **E.** “*Felony*” shall mean only those offenses set forth under Tribal Statute or the United
5 States Indian Major Crimes Act (18 U.S.C. § 1153).

6
7 **F.** “*Gaming Commercial Enterprises*” means the Odawa Casino Resort and ancillary
8 enterprises and activities, any existing and future establishment of the Tribe (i) upon which
9 Gaming takes place, (ii) which is authorized and licensed under applicable law, and (iii) which
10 the Council designates for ownership, lease, development, construction, operation or
11 management by the Company, including without limitation any Class III Gaming facilities
12 established in accordance with the Compact including the Odawa Casino Resort and ancillary
13 enterprises and activities and other tribally owned enterprises or businesses.

14
15 **G.** “*Gaming Regulatory Commission*” means the Little Traverse Bay Bands of Odawa
16 Indians Gaming Regulatory Commission established pursuant to Waganakising Odawak Statute
17 2005-06, May 15, 2005.

18
19 **H.** “*Indian Gaming Regulatory Act*” means 25 U.S.C. §§ 2701-2721.

20
21 **I.** “*Nominations*” mean all qualified applicants received by the Tribal Chair.

22
23 **J.** “*Obligations*” shall mean any notes, bonds, interim certificates, debentures or other
24 evidences of indebtedness issued by the Corporation under this Charter.

25
26 **K.** “*Obligee*” shall mean any holder of an Obligation, and any agent or trustee for any
27 holder of any Obligation.

28
29 **L.** “*Odawa Casino Resort*” means the gaming enterprise, including related hotel and
30 restaurant services, of the Tribe located in Petoskey, Michigan, wherein the Tribe operates Class
31 II and Class III gaming to generate governmental revenue for the Tribe pursuant to the Indian
32 Gaming Regulatory Act.

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2 **M.** “Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians” means
3 “areas referenced in Public Law 103-324, 25 USC Section 1300k-2(b)(2)(A) as the boundaries
4 of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs ‘third
5 and fourth’ of the Treaty of 1855, 11 Stat.621.” Little Traverse Bay Bands Constitution, Article
6 V(A)(1)(a).

7
8 **N.** “Tribe” or “LTBB” means the Little Traverse Bay Bands of Odawa Indians.

9
10 **O.** “Tribal Constitution” means the Little Traverse Bay Bands of Odawa Indians
11 Constitution as adopted by its membership on February 2, 2005.

12
13 **P.** “Tribal Council” means the elected body of nine Tribal members of Little Traverse
14 Bay Bands of Odawa Indians with duties found in the Tribal Constitution Article VII.

15
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17 **SECTION IV. CREATION OF THE ODAWA GAMING ENTERPRISE**
18 **MANAGEMENT, INC. CORPORATE CHARTER**

19
20 **A.** A tribally chartered corporation is authorized by this Statute and shall be named the
21 “Odawa Gaming Enterprise Management, Inc.” The organization is recognized by the approval
22 of the tribal corporation charter; “Odawa Gaming Enterprise Management, Inc” by Tribal
23 Council, in accordance with Tribal Corporations Code

24
25 **B. Board Make-up**

26
27 To serve on the board a person must meet all of the following criteria:

- 28
29 1. Licensed as a “Primary”Employee
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3 i. at least five (5) years of business or financial management experience
4 including industry trends, business and economic development concepts of the enterprise.

5
6 ii. at least five (5) years of proven relevant gaming or hospitality
7 management experience.

8
9 must have at least 5 years of responsible administrative experience in public
10 or business administration or possess broad management skills.

11 5. One member of the Board must be a at least a public accountant qualified to
12 practice public accounting, have 5 years of progressively responsible experience in
13 general accounting, and have a comprehensive knowledge of the principles and
14 practices of corporate finance; or such person must possess the qualifications of an
15 expert in the fields of corporate finance and auditing, general finance, gaming or
16 economics.

17 6. One member of the Board must be selected with special reference to his or
18 her training and experience in the fields of investigation, law enforcement, law or
19 gaming.
20

21 **C. Appointments**

22
23 1. Appointments are made by majority vote of Tribal Council.
24

25 **D. Removal**

26
27 1. Board members may be removed during their term by a $\frac{3}{4}$ majority vote of Tribal
28 Council eligible to vote.

29
30 2. Board members may recommend removal for cause by a majority vote of the
31 board excluding the board member in question. Reasons for removal are misconduct,

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1 neglect of duties, violations of Tribal law or board policy including failure to attend three
2 (3) consecutive unexcused board meetings.

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5 **SECTION V. COMPENSATION**

6
7 A. The board members shall be compensated at a reasonable level as set by Tribal Council
8 subject to the availability of funds.

9
10 B. The board shall adhere to the GSA travel policies for reimbursement of travel expenses.

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13 **SECTION VI. EMPLOYMENT WITH TRIBAL ENTERPRISES**

14
15 A member of the board shall not be employed in any capacity with the Enterprises for a period of
16 forty-five (45) days, after leaving the board.

17
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19 **SECTION VII. FAMILY RELATIONS**

20
21 A. For Purposes of this Statute, two (2) or more members of the same immediate family
22 shall not serve on the board at the same time. Further, a person shall not serve on the board if the
23 General Manager, Director of Finance, Internal Auditor, any Tribal Council member is an
24 immediate family member. For purposes of this section immediate family means husband, wife,
25 son, daughter, step-son, step-daughter, father, step-father, father-in-law, mother, step-mother,
26 mother-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, child, step-
27 child or a person whose relationship with the Authority member is similar to that of persons who
28 are related by adoption, blood or marriage.

29
30 B. No board member may participate in making any decision that involves a personal or
31 financial interest of the board member or a member of his or her immediate family unless such
32 interest is held in common with the Tribe and its Citizens.

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SECTION VIII. ASSETS

The Odawa Gaming Enterprise Management, Inc. shall be assigned those assets as existed and are currently within the possession of the Odawa Casino Resort including real property, tangible and intangible properties. Such assets shall be held by the Odawa Gaming Enterprise Management, Inc. on behalf of the Tribe and shall be managed to provide long term revenue for Tribal governmental programs and activities. The assets assigned in this Statute shall be independently managed by the Odawa Gaming Enterprise Management, Inc.

SECTION IX. FUNCTION

B. The Odawa Gaming Enterprise Management, Inc. shall have sole authority and responsibility for managing Gaming Commercial Enterprises in accordance with Statutes, Resolutions, and regulations as approved by Tribal Council.

C. The Odawa Gaming Enterprise Management, Inc. shall abide by all federal laws and regulation as may be applicable.

D. It is the duty of the Odawa Gaming Enterprise Management, Inc. to monitor activities and operations to provide guidance to the management of the operations.

E. It is the duty of the Odawa Gaming Enterprise Management, Inc. to protect assets of the Tribe and generate revenues to support Tribal Governmental Services and Programs.

F. It is the duty of the Odawa Gaming Enterprise Management, Inc. to maintain and increase the number of Tribal members in employment and management level positions.

1 **A.** The annual budget for the Odawa Gaming Enterprise Management, Inc. shall be
2 approved by Tribal Council in accordance with the Budget Formulation Statute or such other
3 approval process as designated by the Tribal Council.
4

5 **B.** Tribal Council shall approve all requests for financing activities of the Odawa Gaming
6 Enterprise Management, Inc. Financing activities as used in this Statute means purchases,
7 remodeling, construction, and other activities that require the utilization of loan documents,
8 letters of credit, and other banking and non-banking activities which require borrowing funds.
9

10 **C.** The Odawa Gaming Enterprise Management, Inc. is not authorized to enter into financing
11 approval without prior ratification by the Tribal Council.
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13

14 **SECTION XII. SAVING CLAUSE**

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16 In the event that any phrase, provision, part, paragraph, subsection or section of this
17 statute is found by a court of competent jurisdiction to violate the Constitution, laws, ordinances
18 or statutes of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part,
19 paragraph, subsection or section shall be considered to stand alone and to be deleted from this
20 statute, the entirety of the balance of the statute to remain in full and binding force and effect.
21
22

23 **SECTION XIII. EFFECTIVE DATE**

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25 Effective upon signature of the Executive or thirty (30) days from Tribal Council
26 approval which ever comes first or if the Executive vetoes the legislation, then upon Tribal
27 Council override of the veto.

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