WAGANAKISING ODAWAK STATUTE 1995015

GAMING ADMINISTRATION ORDINANCE

SECTION I: PREAMBLE

A. Purpose

The Little Traverse Bay Bands of Odawa Indians seeks to promote the health and welfare of its members in a way that respects, preserves and protects Tribal tradition, values and culture. Economic development is necessary to provide health services, training and opportunity to Tribal members. This ordinance establishes a Gaming Administration, pursuant to Article VII, section I (n) of the Tribal constitution, to develop policies and procedures for the orderly and efficient operation of the Tribe's Gaming Enterprise. The Administration is charged with maximizing the economic efficiency of the Gaming Enterprise while respecting Tribal tradition, values and culture.

SECTION II: DEFINITIONS

A. General Provisions

When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number, words in the plural include words in the singular, and words in the masculine gender include the feminine gender. The word "shall" is always mandatory and not merely discretionary.

B. Enterprise

"Enterprise" means the commercial enterprise of the Tribe authorized to engage in Gaming, and all ancillary commercial activities within the building(s) and other improvements constructed for the conduct of Gaming.

C. Gaming

"Gaming" means any game classified as "Class II" or "Class III" under the Indian Gaming Regulatory Act of October 17, 1988.

D. Gaming Operations

"Gaming Operations" means all business operations directly related to the conduct of Gaming.

E. Tribal Liaison

"Tribal Liaison" is the person appointed by the Tribal Council to monitor Gaming activity by having access to all Gaming related meetings, Gaming records and Gaming facilities.

F. Tribal Council

"Tribal Council" means the governing body of the Little Traverse Bay Bands of Odawa Indians.

SECTION III: COMPOSITION AND APPOINTMENT OF THE GAMING ADMINISTRATION

A. Composition

The Gaming Administration shall consist of three (3) Tribal members appointed by the Tribal Council.

B. Eligibility

A person must be a duly enrolled member of the Tribe and must be a person who would qualify for licensing under the Tribe's Gaming Regulatory Ordinance to be eligible to serve on the Gaming Administration. No person can be appointed to the Gaming Administration who is employed in Gaming operations by another federally-recognized Indian tribe or any other facility or enterprise conducting Gaming. No person can be appointed to the Gaming Administration who had been convicted of a felony in tribal, state, or federal court within 7 years prior to the date of appointment.

C. Selection

The members of the Gaming Administration shall be selected as follows:

1. Initial appointment. Immediately upon passage of this ordinance, the Tribal Council may publicize, to the extent reasonable and practical, that it will be appointing a three (3) member Gaming Administration seeking both applicants for appointment and nominations of individuals to be appointed. At the next regularly scheduled meeting, or as soon thereafter as the Tribal Council identifies qualified Tribal members willing to serve on the Gaming Administration, the Tribal Council shall appoint three (3) members to the Gaming Administration. Provided that in any event the appointments shall be made within thirty (30) days of the date of execution of the Management Agreement.

2. Term. Members of the Gaming Administration shall be appointed to serve for three (3) year terms. Members may be reappointed for additional terms without limitation. Provided, to stagger terms, when the Tribal Council makes initial appointments, one person shall be appointed to a one (1) year term, one person shall be appointed to a two (2) year term, and one person shall be appointed to a three (3) year term. All appointments thereafter shall be for three (3) year terms.

3. Future Appointments. At least two (2) weeks prior to any meeting during which appointments to the Gaming Administration will be made, the Tribal Council shall publicize that it will be making such appointments and shall seek applicants for appointment and nominations of individuals to be appointed.

4. Oath of Office. Immediately upon appointment, the Tribal Chairman shall administer the oath of office to the members of the Gaming Administration which oath of office shall include a commitment to uphold the Constitution and laws of the Little Traverse Bay Bands of Odawa Indians and to perform faithfully and diligently the duties and responsibilities set forth in this ordinance.

5. In the event a vacancy occurs in the Gaming Administration, by virtue of death, resignation or removal, the vacancy shall be filled in the following manner:

a. If one year or less remains of the term of office which has become vacant, the

Tribal Council shall appoint a qualified member of the Little Traverse Bay Bands of Odawa Indians to fill the remaining term of office without seeking applications or nominations therefor.

b. If more than one year remains of the term of office which has become vacant, the Tribal Council shall comply with the requirements of Section III(C)(3) prior to appointing a qualified member of the Little Traverse Bay Bands of Odawa Indians to fill the remaining term of office.

D. Removal

1. Gaming Administration members may be removed prior to the expiration of their terms only for one or more of the following reasons:

a. Any act of theft, embezzlement or fraud committed, conspired or knowingly allowed to be committed or conspired by a Gaming Administration member;

b. The suspension, revocation or loss of eligibility for any tribal gaming license which the Gaming Administration member is required to hold or to be eligible to hold;

c. Any Act or Omission which violates the Indian Gaming Regulatory Act, the Tribal Gaming Ordinance, any other applicable law statute or regulation;

d. Any act or omission which violates or is inconsistent with generally accepted business principles or the Gaming Administration member's responsibilities;

e. The conviction of a felony in a tribal, state or federal court during their term of service;

f. The acceptance of any gaming related employment by another Indian tribe or any other facility or enterprise conducting gaming.

g. Regular and unreasonable non-attendance of Gaming Administration meetings or missing 3 consecutive meetings without notifying the Gaming Administration in advance.

2. Procedure for removal of an individual from the Gaming Administration shall be as follows:

a. In the event the Tribal Council has cause to suspect that a member may be subject to removal for one or more of the reasons specified in this section, or upon receipt of a petition signed by at least twenty (20) members of the Little Traverse Bay Bands of Odawa Indians alleging the same, or receipt of a petition by two members of the Gaming Administration alleging the same, the Chairman of the Little Traverse Bay Bands of Odawa Indians shall call a special meeting of the Tribal Council to deal with a request to remove the member.

b. In the event the Tribal Council determines that a sufficient number of valid signatures are affixed to the petition and that the charges set forth in the petition, if verified, constitute grounds for removal of the Commissioner or an Associate Commissioner from his or her appointed position, the Tribal Council shall set a date for hearing the charges on the petition and shall provide notice to the member of the Gaming Administration whose removal is being sought.

c. Notice to the member whose removal is being sought shall be served no later than two (2) weeks prior to the date set for the hearing, shall include the date, time and location of the hearing, shall attach a full and complete copy of a statement of the Tribal Council or the petition seeking removal, and shall attach a copy of the rules to be followed during the hearing. Upon good cause shown, the Tribal Council may postpone the hearing to a later date. Notice shall also advise the recipient of the availability of Tribal Council subpoena power to require the presence of any witness or the production of any document which the recipient deems necessary in order to attempt to defend against the charges contained in the petition.

d. The Tribal Council shall also provide copies of the notice to the other members of the Gaming Administration and to each member of the Little Traverse Bay Bands of Odawa Indians who signed the petition, advising each of them of the opportunity to appear and to present evidence, either in support of the charges against the member of the Gaming Administration whose removal is sought or in support of the defense of such member. Any person who has properly signed such petition shall have the ability to request the Tribal Council to issue a subpoena to require the presence of witnesses or production of documents deemed necessary to support the charges contained in the petition.

e. The Tribal Council shall preside at the hearing of the charges contained in any such petition and shall allow as much time as necessary for the testimony of witnesses and presentation of evidence in support of the charges, as much time as necessary for the testimony of witnesses and presentation of evidence to refute the charges, and such time as the Tribal Council deems appropriate for summary statements and arguments. At any time, the Tribal Council may recess the hearing until a later time certain. At the request of the member whose removal is at issue, the hearing may be held in closed session. The Tribal Council also may elect to receive in closed session any evidence public disclosure of which might compromise any on-going law-enforcement investigation.

f. Upon the conclusion of the presentation of evidence and of summary statements and arguments, the Tribal Council shall deliberate in closed session and shall either dismiss the petition or shall remove the member charged in the petition from the Gaming Administration, upon such findings of fact as may be appropriate. The decision of the Tribal Council shall be final, and no appeal to any other tribunal shall be available.

SECTION IV: DUTIES AND FUNCTION OF GAMING ADMINISTRATION

A. Duties

The Gaming Administration shall have the authority and responsibility for developing, reviewing and approving policies and procedures for the orderly and efficient operation, management and maintenance of the Enterprise, including the following:

1. Human resources and personnel management;
2. Bingo and other Class II Gaming operations;
3. Class III Gaming operations;
4. Budgeting and operating plan;
5. Finance and accounting;
6. Food and beverage service;
7 Marketing;
8. Security;
9. Surveillance;
10. Entertainment;
11. Cash Management; and
12. Maintenance.

B. Standards

In developing, reviewing and approving general policies and procedures for the operation, management and maintenance of the Enterprise, the Gaming Administration shall ensure that such policies and procedures are in accordance with the Indian Civil Rights Act, 25 U.S.C. § 1302; Generally Accepted Accounting Principles; generally accepted business principles; and are commercially reasonable while respecting Tribal tradition, values and culture.

C. Implementation

1. The policies and procedures developed by the Gaming Administration will be implemented through a general manager employed by the Tribe or a company or entity with which the Tribe contracts. The Gaming Administration will not be involved in the day-to-day implementation of its policies but will review and evaluate the performance of the general manager and the overall

performance of the Enterprise.

2. If the Tribe contracts with any company or entity for management of the Gaming Operations the members of the Gaming Administration shall serve as the Tribe's representatives in dealings with such company or entity except as may be specifically reserved or required for Tribal Council action by contract or required by any tribal, state or federal law.

D. Reporting

The Gaming Administration shall prepare, at a minimum, quarterly reports on the gaming Enterprise including, but not limited to, the number of employees employed during the quarter, a complete financial report, an analysis of business trends affecting the Enterprise during the quarter, a projection of estimated net revenue for the following six months, recommendations for capitol improvements or business expansions, and any other information which has been either requested by the Tribal Council or which the Gaming Administration feels would be appropriate or necessary to include. These quarterly reports must be submitted to the Tribal Council within 30 days after the end of each quarter.

SECTION V: MEETINGS AND PROCEDURES

A. Meetings

The Gaming Administration shall meet from time to time as circumstances warrant but no less than once each six month period for a meeting open to all tribal members for the purpose of reporting the current status of the Gaming Enterprise. All other meetings of the Gaming Administration may be in closed session to protect proprietary and other business related information. Notice of Gaming Administration meetings shall be by forty-eight (48) hours written notice in advance to all Gaming Administration members and to the Tribal Liaison, if such liaison has been appointed by the Tribal Council.

B. Quorum

A quorum of the Gaming Administration shall consist of two (2) members. Meetings of the Gaming Administration may be by telephone conference call or by unanimous written consent.

SECTION VI: SAVINGS CLAUSE.

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

Certification

The undersigned certifies that this Gaming Administration Ordinance was duly enacted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a meeting held on September 24, 1995, at which a quorum was present, by a vote of five (5) in favor, zero (0) opposed, and zero (0) abstentions.

Date: 9-25-95

Barry Laughlin, Tribal Secretary