WAGANAKISING ODAWAK STATUTE 1999006
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 Enterprises and to oversee their operation. The Administration is charged with maximizing the economic efficiency of the Gaming Enterprise while respecting Tribal tradition, values and culture. This Statute repeals and replaces Waganakising Odawak Statute 1995015, as amended by Waganakising Odawak Statute 1997020.

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. Enterprises

"Enterprises" means the commercial enterprises of the Tribe authorized to engage in Gaming, and all ancillary commercial activities within the building(s) and other improvements purchased or 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. Independent Auditor

"Independent Auditor" is the person or entity required under National Indian Gaming Commission Minimum Internal Control Standards. The Independent Auditor will report to the Tribal Council.

F. Tribal Council

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

SECTION III: COMPOSITION AND ELECTION OF THE GAMING ADMINISTRATION

A. Composition and Function

The Gaming Administration shall function as a separate tribal entity with sole responsibility for carrying out the duties set out in this Statute. The Gaming Administration acting under Waganakising Odawak Statute 1995015 as of the date of passage of this Statute, or replacements appointed by the Tribal Council, shall remain in place until a new Gaming Administration, consisting of five (5) tribal members, is elected as provided for in this Section.

B. Eligibility

A person must be an enrolled member of the Tribe at least twenty one (21) years of age, and must be a person who would qualify for licensing the Tribe's Gaming Regulatory Ordinance to be eligible to serve on the Gaming Administration. No person can be elected 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 elected to the Gaming

Administration who has been convicted of a felony in tribal, state or federal court within seven (7) years prior to the date of the elections, or who is a member of the Tribal Council, or who is employed by the Tribe, or the Tribal Gaming Enterprises.

C. Election

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

1. Term and Compensation. Members of the Gaming Administration shall be elected to serve for four (4) year terms. Members may be reelected for additional terms without limitation. Provided, to stagger terms, in the initial election the three (3) candidates who receive the highest number of votes shall serve four (4) year terms, and the next two (2) candidates elected shall serve two (2) year terms. All terms thereafter shall be for four (4) years. The Gaming Administration shall be compensated based on time required to be expended upon Administration duties.

2. Elections. Unless inconsistent with this statute, elections for the Gaming Administration will be conducted in accordance with the rules, procedures and time lines described in the Tribe's Election Statute. The initial election shall be conducted no sooner than August 31, 1999 and no later than December 31, 1999. Thereafter, elections shall be conducted approximately every two (2) years and shall coincide with the general Tribal elections.

3. Licensing. Either prior to, or at the time candidates submit their petitions to the Election Board, they shall submit an application for licensing to the Gaming Regulatory Commission. The Gaming Regulatory Commission shall issue its ruling on each application at least forty five (45) days prior to the election. Any candidate that is found by the Gaming Regulatory Commission not to be licensable shall not appear on the ballot and shall not serve on the Gaming Administration.

4. Oath of Office. Upon election, the Tribal Court 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 Statute.

5. Vacancies. In the event a vacancy occurs in the Gaming Administration, by virtue of death, resignation or removal, the Tribal Council shall appoint a person who meets the eligibility requirements stated in this statute to serve for the remainder of the unexpired term.

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 three (3) consecutive meetings without notifying the Gaming Administration in advance.

2. The procedure for removal of an individual from the Gaming Administration for the reasons listed above are set out in the Removal of Commissioners and Nepotism Statute (Waganakising Odawak Statute 1997005), or such successor statute as the Tribal Council may enact.

SECTION IV: POWERS, DUTIES AND FUNCTIONS OF GAMING ADMINISTRATION

A. Powers

The Gaming Administration shall have the following powers in connection with the development, financing and oversight of the enterprises:

1. To acquire, either directly or by lease, real property and improvements for the development and operation of the Enterprises;

2. To contract for such construction and/or renovation of real property or improvements as may be necessary for the development and operation of the Enterprises;

3. To acquire, either directly or by lease, all equipment, furnishings, fixtures, machinery, hardware, software, supplies and other personal property as may be necessary for the development and operation of the Enterprises;

4. To borrow funds for the acquisition of real property and improvements, for the construction and/or renovation of such improvements or for the acquisition of such personal property as may be necessary for the development and operation of the Enterprises and to repay such funds, including to execute appropriate notes, leasehold or other mortgages, security agreements or other financing agreements as may be necessary to evidence the intent to repay such funds.

B. 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. Entertainment;
10. Cash Management; and
11. Maintenance.
12. Transportation.

C. Functions

1. 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, minimum internal control standards, and are commercially reasonable while respecting Tribal tradition, values and culture.

2. Implementation. The policies and procedures developed by the Gaming Administration will be implemented through a general manager employed by the Tribe or an 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 CFO, and the overall performance of the Enterprise.

3. Reporting

a. 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 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.

b. The Gaming Administration shall arrange for an independent annual audit, the expense of which will be billed to the Enterprise. The independent auditor will present its report to the Tribal Council.

4. Bank Accounts. The Gaming Administration shall have the authority to establish and maintain such bank accounts as may be necessary or convenient for the operation of the Enterprise.

5. Budget. Each year the Gaming Administration shall prepare an annual budget needed to carry out its duties and function under this Statute which shall be provided to the Tribal Council and shall be part of the operating budget of the Enterprise.

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 and receiving Tribal input. 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.

B. Quorum

A quorum of the Gaming Administration shall consist of three (3) 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.

SECTION VII: EFFECTIVE DATE

This Statute shall take effect immediately upon enactment.

Certification

As Tribal Chairman and Tribal Secretary, the undersigned certify that this Statute was duly enacted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on June 13, 1999, at which a quorum was present, by a vote of 4 in favor, 0 opposed, and 2 abstentions as recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
George Anthony				✓
Frank Ettawageshik	✓			
Dorothy Gasco	✓			
Barry Laughlin			✓	
Shirley Oldman			✓	
Rita Shananaquet	✓			
Alice Yellowbank	✓			

Date: 6-16-99

Frank Ettawageshik, Tribal Chairman

Barry Laughlin, Tribal Secretary