

**WAGANAKISING ODAWAK STATUTE 2000-02
GAMING ADMINISTRATION**

SECTION I: PREAMBLE

A. Purpose

1. 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 traditions, values and culture. Economic development is necessary to promote the well being of the Tribe and its members. This Statute establishes a Gaming Administration, pursuant to Article VII, section 1 (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 Enterprises while respecting Tribal traditions, values and culture.

2. This Statute repeals and replaces Waganakising Odawak Statute 1999009, as amended by Waganakising Statutes 1999013 and 2000-001. The Gaming Administration appointed under this Statute shall assume all legal obligations, including contracts, leases and subleases of the Gaming Administration serving under Waganakising Odawak Statute 1999009.

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 APPOINTMENT OF THE GAMING ADMINISTRATION

A. Composition and Function

The Gaming Administration shall function as a Tribal Council entity with responsibility for carrying out the duties set out in this Statute. The Gaming Administration shall consist of five (5) persons appointed by the Tribal Council who meet the eligibility requirements set out in subsection (B) of this section. The terms of the members of the Gaming Administration serving under Waganakising Odawak Statute 1999009 shall expire upon appointment and swearing in of the Gaming Administration under this Statute pursuant to subsection C of this section.

B. Eligibility

To serve on the Gaming Administration a person must meet all of the following criteria:

1. A person must be an enrolled member of the Tribe at least twenty one (21) years of age,
2. The appointee must be a person who would qualify for licensing under the Tribe's Gaming Regulatory Ordinance,
3. No person can serve on the Gaming Administration who is employed in Gaming operations of LTBB, another federally-recognized Indian tribe, or any other facility or enterprise conducting Gaming.
4. No person can serve on 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 appointment,
5. No person can serve on the Gaming Administration who is a member of the Tribal Council, or who has been a member of the Tribal Council within one (1) year of the appointment;
6. No person can serve on the Gaming Administration who is employed by the LTBB Tribal government.

C. Appointment and Term

As soon as practicable after passage of this Statute, the Tribal Council shall appoint, and the Tribal Court shall swear in, five (5) Tribal members who meet the eligibility requirements to serve on the Gaming Administration for three (3) year terms. Provided, to stagger terms, when the Tribal Council makes initial appointments, two people shall be appointed to two (2) year terms, and three (3) people shall be appointed to three (3) year terms. All appointments thereafter shall be for three (3) year terms.

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 Enterprises conducting gaming.
- g. Regular 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.

E. 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.

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, by lease or contract, real property, improvements and maintenance for the development and operation of the Enterprises;
2. 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;
3. To borrow funds for 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
4. To employ a general manager of the Enterprises.
5. When entering into contracts for up to \$750,000 pursuant to the powers enumerated in this section, the Gaming Administration is authorized to waive its common law immunity to suit in the Tribal Court of the Little Traverse Bay Bands of Odawa Indians, including the enforcement of Arbitration, to the specific limited extent specified in the contracts it negotiates that are essential to the operation of the Enterprises.

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 Enterprises, including, but not limited to, 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 Enterprises, 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 traditions, values and culture.

2. Implementation. The policies and procedures developed by the Gaming Administration will be implemented through the general manager employed by the Administration. 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 Chief Financial Officer, and the overall performance of the Enterprises.

3. Reporting

a. The Gaming Administration shall prepare, at a minimum, quarterly reports on the Gaming Enterprises including, but not limited to, the number of employees employed during the quarter, a complete financial report, an analysis of business trends affecting the Enterprises 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 Enterprises. 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 Enterprises.

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

SECTION V: MEETINGS AND PROCEDURES

A. Meetings

The Gaming Administration shall meet at least monthly and as often as circumstances warrant. Once each six month period the Gaming Administration shall hold a meeting open to all Tribal members for the purpose of reporting on the current status of the Gaming Enterprises and receiving Tribal input. One of these biannual open meetings shall be held in conjunction with the Tribal Community meeting where the Gaming Administration shall make an annual report available to members. 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. Provided, in the event of an emergency, business may be conducted by telephone conference call and any action taken on such call shall be recorded in the minutes of the next regularly scheduled Administration meeting. Diligent efforts shall be made to notify each Administration member of the planned teleconference.

B. Quorum

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

VI. TRIBAL COUNCIL OVERSIGHT OF GAMING ADMINISTRATION

A. The Tribal Council may review all action taken by the Gaming Administration and may revoke or amend any such action.

B. In the absence of appropriate and timely action of the Gaming Administration, the Tribal Council may adopt appropriate policies and procedures and take any other action necessary to promote the effective operation of the Tribe's Gaming Enterprises.

VII. EMPLOYMENT WITH TRIBAL GAMING ENTERPRISES

A member of the Gaming Administration shall not be employed in any position with the Tribal Gaming Enterprises for a period of forty five (45) days after leaving the Administration.

SECTION VIII: APPLICATION OF COMMISSIONS, BOARDS AND COMMITTEES PROCEDURES STATUTE

The Commissions, Boards and Committees Procedures Statute, Waganakising Odawak Statute 1998012, or such successor statute as the Tribal Council may enact, shall apply to the Gaming Administration to the extent not inconsistent with specific provisions of this Statute.

SECTION IX: 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 X: 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 March 5, 2000, at which a quorum was present, by a vote of 4 in favor, 0 opposed, and 0 abstentions as recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
George Anthony	_____	_x_	_____	_____
Gerald Chingwa	_x_	_____	_____	_____
Dorothy Gasco	_x_	_____	_____	_____
Janet Shomin	_x_	_____	_____	_____
Rita Shananaquet	_x_	_____	_____	_____
Susan Wysocki	_____	_x_	_____	_____
Alice Yellowbank	_____	_x_	_____	_____

Date: 4-03-01

Gerald Chingwa, Tribal Chairman

Susan Wysocki, Tribal Secretary