

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
7500 Odawa Circle
Harbor Springs, MI 49740

TRIBAL COUNCIL RESOLUTION # 021107-01

Requesting Explanations of a 10% Increase in Casino Employee Turnover Rate, for Advancement, Hiring and Financial Discrepancies at the Casino

WHEREAS the Waganakising Odawak is a nation of citizens with inherent sovereignty and right to self-governance;

WHEREAS the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

WHEREAS the Little Traverse Bay Bands of Odawa Indians Tribal Council is the elected legislative body of the Tribe;

WHEREAS LTBBOI Constitution
Article I, Section B,

4. Establish and maintain within the limits of their economic capacity and development, effective provision for securing the right to work, to education and assistance in cases of unemployment, old age, sickness and disablement, and in other cases of need; and
5. Assure and promote that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity, and that youth and elders are protected against exploitation.

WHEREAS Gaming Board of Directors Statute
SECTION IV: POWERS, DUTIES AND FUNCTIONS OF GAMING BOARD OF DIRECTORS

B. Duties

The Gaming Board of Directors 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;

C. Functions

1. Standards. In developing, reviewing and approving general policies and procedures for the operation, management and maintenance of the Enterprises, the Gaming Board of Directors shall ensure that such policies and procedures are in accordance with the LTBB Constitution, Generally Accepted Accounting Principles, Generally Accepted Business Principles, Minimum Internal Control Standards, and are commercially reasonable while respecting Tribal traditions, values and culture.
3. Reporting

a. The Gaming Board of Directors shall prepare, at a minimum, a quarterly management, discussion and analysis report for the Tribal Council, which shall include, but not be limited to, the quarterly financial report as prepared by the accounting department, along with a management discussion and analysis of the financial information. The operational plan shall be updated each quarter. The financial report shall include projected net revenues for not less than six (6) months in advance based on management's operational plan. The report should also include information regarding the number of employees, employee turn over, number of members employed, number of members employed in management, requests for new development and or capital projects and any other information the Gaming Board of Directors feels is appropriate. These quarterly reports must be submitted to the Tribal Council within thirty (30) days after the end of each quarter.

WHEREAS The Gaming Board of Directors Statute
SECTION VIII: NEPOTISM

A. Two (2) or more members of the same immediate family shall not serve on the Gaming Board of Directors at the same time. Further, a person shall not serve on the Board of Directors if the general manager is an immediate family member. For purposes of this section immediate family means husband, wife, son, daughter, step-son, step-daughter, father, step-father, father-in-law, mother, step-mother, mother-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, child, step-child or a person whose relationship with the tribal member is similar to that of persons who are related by blood or marriage.

B. No Gaming Board of Directors member may participate in making any decision that involves a personal or financial interest of the Board member or a member of his or her immediate family unless such interest is held in common with the Tribe and its members.

WHEREAS While the Gaming Board of Directors may change procedures and policies to meet the needs of the commercial operation it has no statutory authority to approve actions outside those approved procedures or policies;

WHEREAS The Gaming Board of Directors has approved raises for the Human Resource Director and a family member of one of the Gaming Board of Directors that are outside of approved policies;

WHEREAS The Casino's turnover rate averaged from 26% to 28% prior to the hiring of the present Human Resource Director Denise White;

WHEREAS Since the hiring of the present Human Resource Director Denise White the turnover rate has increased to over 38%;

WHEREAS The Human Resource Director has recommended the hiring of non-Indian candidates that have not met advertised minimum qualifications and has denied a Tribal Member advancement based on lack of a G.E.D. (General Education Diploma) when the G.E.D. has no apparent impact on job performance;

WHEREAS there is a large discrepancy between figures reported, to the Gaming Board of Directors, by the gaming management and the gaming accountants.

THEREFORE, BE IT RESOLVED The Tribal Council requests the Executive provide a written report for the next regularly scheduled Tribal Council meeting explaining the following:

- if a G.E.D. can be held as a minimum qualification for hiring or advancement of a Tribal Member without violating the Tribal Member's "Right to Work;"
- if yes, specifically for which positions, and how the G.E.D. enhances an employee's qualifications;
- how requiring a G.E.D. respects Tribal traditions, values and culture;
- what authority the Gaming Board of Directors used to give raises outside policies and procedures they approved by official board action;
- whether or not a recent raise violated the Gaming Board of Directors ethics;
- whether or not minimum qualifications such as High School Diplomas or G.E.D.'s are used in discriminatory hiring practices against Tribal Members;
- if yes, by whom;
- the number of casino employees, casino employee turn over, number of Tribal Members employed by the casino, and the number of Tribal Members employed in casino management;
- why casino management has not been held responsible for such a dramatic change in employee turnover rate unless the Executive declares the turnover rate is acceptable;
- how much equivalent cash this high turnover rate has cost the Tribe since hiring Denise White;
- is the current casino employee turnover rate acceptable to the Executive;
- if no, is there any intention by the Executive, the Gaming Board of Directors, or the casino management to hold someone responsible for the huge increase in casino employee turnover rate;
- an explanation of the discrepancy in financial reports to the Gaming Board of Directors provided by gaming management and gaming accountants.

CERTIFICATION

As Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Resolution was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held February 11, 2007 at which a quorum was present, by a vote of ___ in favor, ___ opposed, ___ abstentions, and ___ absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Regina Gasco Bentley	_____	_____	_____	_____
Fred Harrington, Jr.	_____	_____	_____	_____
Dexter McNamara	_____	_____	_____	_____
Mary Roberts	_____	_____	_____	_____
Rita Shananaquet	_____	_____	_____	_____
Alice Yellowbank	_____	_____	_____	_____
Shirley Oldman	_____	_____	_____	_____
Melvin L. Kiogima	_____	_____	_____	_____
Beatrice A. Law	_____	_____	_____	_____

Date: _____

Beatrice A. Law, Legislative Leader

Date: _____

Melvin L. Kiogima, Secretary