Resolution #09-0304-53

Approval to Restore the Allowance of Gaming Commission Meetings and Stipends

WHEREAS, the status of the Gaad Ching Ziibi Daawaa Anishinabeek (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by Federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(I) to take action, not inconsistent with the Constitution or Federal law, which is necessary and proper to carry out the sovereign powers of the Tribe; and

WHEREAS, the Tribal Council approved Gaming Commission Ordinance #04-400-04 creating a Gaming Commission as the regulatory agency delegated the authority and responsibility to regulate all gaming activities authorized by the Tribe and to enforce all Tribal and Federal laws governing the conduct of Tribally licensed gaming activities; and

WHEREAS, the Tribal Council adopted Gaming Ordinance #02-400-01 to create and govern a regulatory agency to carry out licensing and oversight responsibilities of gaming activities in accordance with the Indian Gaming Regulatory Act (IGRA); and

WHEREAS, the Tribal Council adopted Gaming Commission Ordinance #02-400-04 which created the Gaming Commission and delegated to such Commission the authority to regulate all gaming activities authorized by the Tribe and to enforce all Tribal and Federal laws governing the conduct of Tribally-licensed gaming activities; and
WHEREAS, the Tribal Council adopted resolution #07-0726-421 which reasserted the regulatory authority of the Gaming Commission and instructed that the Gaming Commission has the authority over all regulatory matters involving a gaming enterprise and shall be the entity authorized to engage in all activities related to the regulation of gaming activity; and

WHEREAS, the National Indian Gaming Commission recommends the preservation of Gaming Commission independence and even incorporates that as a requirement in orders and agreements between it and gaming Tribes (reference NIGC Bulletins 99-3 and 94-3 and pre-opening agreement between NIGC and the Tonkawa Tribe of Oklahoma); and

WHEREAS, Gaming Commission Ordinance Section 6.10 empowers the Gaming Commission with the following powers and responsibilities:

a. To regulate all day-to-day gaming activity within the jurisdiction of the Tribe to ensure the integrity thereof, which includes, but is not limited to the adoption, review and approval of internal controls, procedures, processes, policies and other documents which relate to the operation of the gaming enterprise and businesses conducted under the gaming enterprise.

b. To promote the full and proper enforcement of all gaming rules.

c. To issue, deny, suspend or revoke any gaming license necessary to operate, manage, conduct business with or be employed at any gaming activities authorized by this ordinance, or other tribal laws, and to establish a schedule of fees as may be necessary to defray expenses of license processing and background investigations.

d. To conduct or cause to be conducted, background investigations of persons or business entities applying for any gaming license.

e. To enact and enforce such regulations consistent with this ordinance regarding its activities as the Gaming Commission may deem necessary and proper to effectuate the powers granted by this ordinance and duties imposed by applicable law.

f. To arrange for and direct such inspections and investigations as it deems necessary to ensure compliance with this ordinance, the Gaming Ordinance, any federal law, or any gaming related law, and regulations. In undertaking such investigations, the Gaming Commission may request the assistance of gaming staff, federal, state and tribal law enforcement officials, legal counsel and other third parties.

g. To administer oaths, conduct hearings, and by subpoena compel any licensee or license applicant, any person employed by a gaming enterprise, and any person doing business with a gaming enterprise to appear before it and to provide such information, documents or other materials as may be in their possession to assist in any investigation conducted by the Gaming Commission relating to the enforcement of gaming laws or regulations.

h. To make, or cause to be made by its agents or employees, an examination or investigation of the place of business, equipment, facilities, tangible personal
property, and the books, records, papers, vouchers, accounts, documents and financial statements of any gaming enterprise operating, or suspected to be operating, within the jurisdiction of the Tribe.

i. When necessary or appropriate, to request the assistance and utilize the services of the courts, law enforcement and government officials and agencies, and private parties, in exercising its powers and carrying out its responsibilities.

j. To close, after notice and a hearing, any game or games which are operating in violation of tribal or Federal law.

k. To sue or be sued in courts of competent jurisdiction within the United States subject to the provisions of this ordinance and other laws relating to sovereign immunity; provided that no suit shall be brought by the Gaming Commission without the prior explicit written approval of the Tribal Council.

l. Where it is in the best interest of the Tribe, to develop a cooperative working relationship with federal, state and other Indian tribes, agencies and officials.

m. To investigate any aspect of any gaming enterprise in order to protect the public interest in the integrity of gaming and to prevent improper and unlawful conduct. The Gaming Commission shall investigate any report of a failure of any gaming enterprise to comply with this ordinance, the Gaming Ordinance, or any tribal laws, or any regulations adopted by the Gaming Commission, IGRA or the Compact. The Gaming Commission may issue an order requiring any gaming enterprise to take any corrective or remedial action deemed necessary.

n. To arbitrate, compromise, negotiate or settle any dispute to which it is a party relating to the Gaming Commission’s authorized activities.

o. To make application and accept grants and other awards from private and governmental sources in carrying out or furthering the purposes of the Gaming Commission.

p. To exercise all authority delegated to it or conferred upon it by law and to take all action which shall be reasonably necessary and proper for carrying into execution the foregoing powers and all of the powers vested in this ordinance as permitted by the purposes and powers herein stated, which are deemed to be in the best interests of the Tribe and in compliance with applicable law.

q. Pursuant to the tribal law, to initiate a suspension or revocation proceeding of a liquor license issued to a gaming enterprise.

r. Record-keeping requirements, the Gaming Commission shall approve the accounting system and record keeping controls of each gaming enterprise conducting Class III gaming.

s. The Gaming Commission shall require the general manager of each gaming facility licensed by the Tribe to prepare a plan for the protection of public safety and the physical security of patrons of gaming facilities, setting forth the respective responsibilities of the Gaming Commission, the security department of the gaming facility(ies), and any applicable or appropriate police agency(ies). Such plan, and any subsequent modifications thereof, shall be submitted to the Gaming Commission annually for its review and approval.

t. The Gaming Commission shall enforce all tribal health and safety standards applicable to gaming facilities licensed by the Tribe.

u. The Gaming Commission shall establish a list of persons barred from gaming facilities because of their criminal history or association with career offenders or career offender organizations which pose a threat to the integrity of gaming.
v. The Gaming Commission shall publish and distribute copies of this ordinance, Gaming Commission regulations, and any Tribal Council, Gaming Commission or Tribal Court decisions regarding gaming matters.
w. The Gaming Commission shall maintain and keep current a record of new developments in the area of Indian gaming.
x. The Gaming Commission shall obtain and publish a summary of federal revenue laws relating to gaming and to ensure compliance with the same.
y. The Gaming Commission shall arrange for training of Gaming Commissioners, Gaming Commission employees and others in areas relating to the regulation of gaming.
z. The Gaming Commission shall consult with and make recommendations to the Tribal Council regarding changes in gaming laws.

NOW THEREFORE IT IS RESOLVED that the Tribal Council of the Little River Band of Ottawa Indians hereby approves the restoration of its Gaming Commission’s approved 2009 meeting calendar as well as the stipends paid to the Gaming Commission in the amount of $125.00 per meeting.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with _5_ FOR, _2_ AGAINST, _0_ ABSTAINING, and _2_ ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on March 4, 2009 at the Little River Band’s Downtown Offices in Manistee, Michigan, with a quorum being present for such vote.

Loretta Beccaria, Council Recorder

Don Koon, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court
Gaming Commission