

## **Little River Band of Ottawa Indians**

375 River Street  
Manistee, MI 49660  
(231) 723-8288

### **Resolution # 05-0406-130**

#### *Adoption of Gaming Commission By-Laws*

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (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 Tribe adopted amendments to the Constitution on April 26, 2004, which, became effective upon approval by the Assistant Secretary-Indian Affairs on May 3, 2004; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; 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 adopted the Commissions Ordinance, #04-100-06 which supersedes the prior ordinance #01-100-06; and

WHEREAS, Tribal Council Resolution #04-1020-416 which adopted the Commissions Ordinance also instructed that Commissions review their existing by-laws and that conforming amendments be made and forwarded to the Tribal Council Liaison for presentation and approval by the Tribal Council; and


WHEREAS, the Gaming Commission reviewed the Commissions Ordinance and made the necessary amendments to the Gaming Commission by-laws; and


WHEREAS, revised by-laws were approved by Gaming Commission Resolution #05-0215-11 at the February 15, 2005 Gaming Commission meeting.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves the Gaming Commission by-laws in accordance with Section 6 of the Commissions Ordinance for immediate implementation.

**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 0 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on April 6, 2005, at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.

  
\_\_\_\_\_  
Janine M. Sam, Council Recorder

  
\_\_\_\_\_  
Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records  
Gaming Commission  
Legal Department

# **LITTLE RIVER BAND OF OTTAWA INDIANS**

## **Gaming Commission By-Laws**

### **Article I. Title; Authority; Purpose**

1.01. *Title.* The official title of this entity is the Little River Band of Ottawa Indians' Gaming Commission and may be known as the "Gaming Commission".

1.02. *Authority.* The Gaming Commission was created by the Gaming Commission Ordinance, Ordinance #02-400-04, as amended.

1.03. *Purpose.* The purpose of the Gaming Commission is to ensure the integrity, honesty and fairness of all gaming activities conducted on the Tribe's Reservation and to ensure that gaming enterprises operating on the Tribe's Reservation are operated in conformance with Gaming Ordinance # 02-400-01, as amended, regulations promulgated by the Gaming Commission, the Indian Gaming Regulatory Act, and any applicable Class III gaming compact or Class III rules.

### **Article II. Members**

2.01. *Members.* The Gaming Commission shall have three (3) members who must meet the qualifications prescribed in sections 5.03-5.05 of the Gaming Commission Ordinance.

2.02. *Officers.* The Gaming Commission shall have the following officers who shall be elected by the members of the Gaming Commission for one-year terms of office. No member may serve in two officer positions. A vacancy created in an officer position shall be filled for the remainder of the vacant term and for one full term.

(a) *Chairperson.* This officer shall be responsible for:

1. Calling all meetings.
2. Presiding at all meetings.
3. Monitoring the expenditure of funds in accordance with the Gaming Commission's approved budget and receiving reports of expenditures and periodically reporting to the Tribal Council Liaison regarding the Gaming Commission's budget.
4. Reporting to the Tribal Council and other entities or persons as needed.
5. Signing correspondence on behalf of the Gaming Commission and representing the Gaming Commission at meetings with outside entities.
6. Sign minutes in absence of Secretary.

(b) *Secretary.* This officer shall be responsible for:

1. Preparation of minutes, agendas and reports of the Gaming Commission and submission of those documents for Commission approval.
2. Fulfilling the responsibilities of the Chairperson in the absence of the Chairperson.

### **Article III. Duties and Responsibilities**

3.01. The Gaming Commission has been delegated 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 tribal civil and criminal gaming laws.
- (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 person, or person's 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 other 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 and 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 or 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 to 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.

*Additional Powers and Duties.*

- (a) 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.
- (b) The Gaming Commission shall enforce all tribal health and safety standards applicable to gaming facilities licensed by the Tribe.
- (c) 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.
- (d) 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.
- (e) The Gaming Commission shall maintain and keep current a record of new developments in the area of Indian gaming.
- (f) The Gaming Commission shall obtain and publish a summary of federal revenue laws relating to gaming and to ensure compliance with the same.
- (g) The Gaming Commission shall arrange for training of Gaming Commissioners, Gaming Commission employees and others in areas relating to the regulation of gaming.
- (h) The Gaming Commission shall consult with and make recommendations to the Tribal Council regarding changes in gaming laws.

## Article IV. Meetings

### 4.01. *Regular Meetings.*

- (a) The Gaming Commission shall hold at least two (2) regular meetings per month and at such other times as may be deemed necessary to perform assigned duties.
- (b) Regular meetings shall be held at the Gaming Commission Offices. No regular meeting shall take place off the Reservation.
- (c) *Schedule of Meetings.* The Gaming Commission will establish the schedule for its regular meetings for each calendar year no later than the last regular meeting of the preceding year. The schedule for regular meetings may be amended by resolution of the Gaming Commission, provided notice of the change is posted in accordance with subsection (d).
- (d) *Posting of Meeting Schedule.* The schedule for regular meetings shall be posted in all Tribal government buildings. The schedule of regular meetings shall also be forwarded to the department responsible for publication of the Tribal newsletter.
- (e) *Attendance by Telephone.* Members of the Gaming Commission may participate in regular meetings by telephone, provided at least one (1) member is physically present at the Gaming Commission Offices on the Reservation.

4.02. *Special Meetings.* The Chairperson may call special meetings by giving 24 hours notice to all members and may be held by telephone conference. Such notice shall be in writing where possible, provided that, the Chairperson or Secretary may telephone all members and follow-up with written notice at the earliest possible time. Special meetings may be called for the purpose of:

- (a) conducting business that, should the matter wait until such time as a regular meeting is held, it would be detrimental to the health, safety or welfare of the Tribe, its members or the regulated activity; or
- (b) conducting hearings regarding regulated activity, including, but not limited to permits and license issuance or revocation, or for the purposes of hearing matters related to citations and/or other orders of the commission.

When possible, notice of any special meetings, including a brief description of the business to be transacted, shall be posted in Tribal government buildings.

4.03. *Work Session Meetings.* The Gaming Commission may hold work session meetings for the purpose of developing and reviewing proposed ordinances, regulations, policies and procedures or other specified items.

4.04. *Quorum.* A quorum shall consist of the presence of a majority of duly appointed commissioners, including one officer. A quorum must be present, or participating by telephone, in order for the Gaming Commission to take official action; Provided that, the Gaming Commission may promulgate regulations, which identify other procedures for the conducting of hearings of the commission and the number of members necessary to conduct the hearing.

4.05. *Agenda.* Every meeting shall be conducted in accordance with an agenda, which has been sent, whether by mail, fax, or other transmission method, to each member. The Gaming Commission may, by majority vote, accept additional items for the agenda, at the time of the

meeting, which were not given prior notice. Each agenda shall contain the following sections, and any other sections as may be necessary to clearly identify the business to be conducted:

- (a) Call to Order
- (b) Approval of Agenda
- (c) Approval of Minutes
- (d) Old Business
- (e) New Business
- (f) Adjournment

4.06. *Minutes.* The minutes shall be drafted in such a fashion so as to clearly identify:

- (a) the date, place and time the meeting was called to order;
- (b) the members present, and whether the Chairperson was/was not present;
- (c) staff and guests present
- (d) the adoption of the agenda, and any amendments;
- (e) the action taken regarding each agenda item;
- (f) the body of any resolution(s) adopted at the meeting;
- (g) the roll call vote for each resolution; and
- (h) the date and time the meeting was concluded, and the manner in which it was concluded, i.e., loss of quorum, completed, etc.

## **Article V. Reports.**

5.01. *Reports.* The Gaming Commission shall file a written report with Tribal Council once per month, at a meeting to be designated by the Tribal Council for receipt of Commission reports. Reports shall include the following information with the designated titles, and any other information that the commission may determine to be necessary. The report shall contain the following-

- (a) Name, Purpose, Officers
- (b) A description of significant activities of the Gaming Commission and its staff during the past month
- (c) A list of any concerns the Gaming Commission has regarding issues that impact or relate to the Gaming Commission's area of responsibility or activities
- (d) Requests for Council consideration or action to address concerns raised by the Gaming Commission
- (e) Attachments
  - 1. A list of all meetings held during the prior month and whether the minutes are attached.
  - 2. Original copies of open and closed session minutes from all meetings that have been approved since the prior report.
  - 3. All resolutions that have been adopted since the last report.
  - 4. Gaming Commission Orders issued since the last report.
  - 5. The title or subject matter of policies/procedures and regulations under consideration by the Gaming Commission.
  - 6. Other items the Commission feels may be of interest to the Tribal Council.

## **Article VI Motions; Resolutions; Orders.**

6.01. *Motions.* The Gaming Commission shall take official action by either motion or resolution. Motions shall be clearly stated and take effect upon adoption, whether or not the minutes are approved.

6.02. *Form of Resolutions.* Resolutions shall be:

- (a) Numbered consecutively with the following system – [GC] [year] and [resolution number] and
- (b) The secretary shall certify the adoption of the resolution in the following manner. i.e. GC-2005-34 means the 34<sup>th</sup> resolution adopted by the Gaming Commission in 2005.

#### Certification

I, [name] as Secretary of the Gaming Commission do hereby certify that this resolution was adopted on [date] by a vote of \_\_ for, \_\_ opposed, \_\_ abstaining, and \_\_ absent. This resolution has not been amended or rescinded in any way.

Signature/Title

6.03. *Actions Requiring Resolution.* The following actions or decisions shall be approved by resolution;

- (a) The following actions affecting the Gaming Commission's budget:
  - 1. Expenditures from the Gaming Commission budget in an amount in excess of \$1,500.00; or
  - 2. Budget modifications requiring approval by the Gaming Commission, the Tribal Council, or both under section 6.03 of the Budget and Appropriations Ordinance, #04-100-04.
- (b) Adoption of regulations.
- (c) Adoption of policies or procedures.
- (d) Contracts.
- (e) Job descriptions.
- (f) Gaming Commission organizational chart
- (g) Such other matters of similar importance.

6.04. *Orders of the Commission.*

- (a) The following actions shall be approved by motion and memorialized in a written order:
  - 1. Suspension or revocation of any gaming license
  - 2. Determinations in enforcement proceedings, including temporary orders pending final determinations, requiring action by any licensee or imposing a penalty against a licensee
  - 3. Subpoenas compelling the attendance of any person or the production of records possessed by any person subject to the jurisdiction of the Gaming Commission.
  - 4. Barring any person from gaming enterprises regulated by the Commission
  - 5. Granting a waiver from vendor licensing requirements.
- (b) Orders shall be numbered consecutively with the following system – [GC] [year] and [order number] and the secretary shall certify the adoption of the order in the following manner. i.e. GC Order-2005-34 means the 34<sup>th</sup> order adopted by the Gaming Commission in 2005.

#### Certification

I, [name] as Secretary of the Gaming Commission do hereby certify that this order was adopted on [date] by a vote of \_\_ for, \_\_ opposed, \_\_ abstaining, and \_\_ absent. This order has not been amended or rescinded in any way.

Signature/Title

#### Article VII. Employees; Liaison

7.01. *Gaming Commission Employees.* Subject to the approval of an appropriation of funds the Gaming Commission shall employ such staff as may be required to fulfill the Gaming Commission's responsibilities under Ordinance #02-400-04, Gaming Commission Ordinance. Employees of the Gaming Commission shall, in accordance with the Gaming Commission Ordinance, have background investigations conducted at the same qualification level as set for key employees prior to employment and shall be required to maintain that standard throughout their employment. The Gaming Commission shall hire and manage employees in accordance with the Tribe's personnel ordinances or regulations. Provided however, that the Gaming Commission shall be responsible for employment related decisions in regard to termination or lay-off of an employee. The Gaming Commission will submit an organizational chart, which has been approved by the Gaming Commission, to the Tribal Council for all Gaming Commission employees and departments on an annual basis in accordance with section 6.10 of the Gaming Commission Ordinance.

7.02. *Liaison.* The responsibilities of the liaisons between the Gaming Commission and the Tribal Council shall be as set forth herein.

(a). *Entity.* The Gaming Commission shall chose a liaison from among its members who is responsible for interacting with the Tribal Council liaison to bring issues to the Tribal Council, and to bring issues from the Tribal Council to the commission.

(b). *Tribal Council.* The Tribal Council liaison shall be responsible for identifying a contact number and office location at which the entity may leave documents, messages, requests, and other like information. The Tribal Council liaison may attend meetings, but is not required to do so.

(c). *Regulated Area.* The liaison from the gaming enterprise shall be responsible for serving as contact person with the Commission and shall serve as the gaming enterprise's agent to receive correspondence, requests, notices and other like material sent by the Gaming Commission.

#### Article VIII. Amendment; Repeal

8.01. *Amendment.* These by-laws shall be reviewed on an annual basis by the Gaming Commission for amendments. All amendments must be presented at least one meeting prior to action and must be adopted by a two-thirds vote of the members present. Amendments are final when presented and approved by the Tribal Council through a resolution created and submitted by the commission.

8.02. *Repeal.* These by-laws may be repealed by the presentation of a request to the Tribal council by the commission in the form of a resolution containing the reasons a repeal of these by-laws are necessary. The commission must approve the repealing resolution by a two-thirds

vote of the members present. Further, the Tribal Council may unilaterally repeal these by-laws by amendment to the creating Ordinance or by adoption of a resolution calling for the repeal of the commission's by-laws.

### CERTIFICATION

I, Joan Spalding, as Chairperson of the Gaming Commission do hereby certify that the Gaming Commission adopted these by-laws at a duly called meeting.

Joan Spalding  
Signature

4-15-05  
Date

I, James M. Sullivan, as Tribal Council Recorder do hereby certify that the Tribal Council, at a duly called meeting on 4-6-05 adopted these by-laws.

James M. Sullivan  
Signature

4-18-05  
Date