



Little River Band of Ottawa Indians

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

Resolution # 09-1202-329

Approval of Expenditure and Proposal for Gaming Commission - "Authority, Roles and Duties of the Tribal Gaming Commission" Training from Falmouth Institute and Rescinding Resolution # 09-1118-314

WHEREAS, the Tribe's status as a federally-recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156 (25 U.S.C. § 1300k et seq.); and

WHEREAS, the Tribe adopted a 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 13, 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 of Ottawa Indians 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 has, pursuant to Gaming Commission Ordinance # 04-400-04, created a 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, pursuant to Gaming Commission Ordinance # 04-400-04 Section 6.02 (g), the Gaming Commission shall arrange for training of Gaming Commissioners, Gaming Commission employees and others; and

WHEREAS, pursuant to Gaming Commission's By-Laws Article III, Section 3.01 (g), the Gaming Commission shall arrange for training of Gaming Commissioners, Gaming Commission employees and others; and

WHEREAS, pursuant to Gaming Commission Ordinance # 04-400-04 Article V, Section 5.04, each newly appointed Commission must attend training on the Indian Gaming Regulatory Act, regulations promulgated by the National Indian Gaming Commission, federal revenue laws related to gaming, the Gaming Ordinance, any regulations adopted by the Gaming Commission, and gaming operations and structures; and

WHEREAS, the Gaming Commission has negotiated a proposal to engage Falmouth Institute, to provide on-site "Authority, Roles and Duties of the Tribal Gaming Commission" on-site training on December 10, 2009 and December 11, 2009 for 10 attendees; and

WHEREAS, this training is focusing on the authority, roles, and responsibilities of a Tribal Gaming Commission to include, background investigations, overview of the Indian Gaming Regulatory Act, the history of Indian gaming, drafting laws, drafting regulations, drafting policies, vendor licensing, employee licensing, today's issues and challenges, exceeding expectations and best practices, licensing hearings, extent of the National Indian Gaming Commission (NIGC) and external powers (case law included), and Gaming Commission supervision, understanding the distinction between the function of the Commission and the managerial function of the gaming enterprise all to protect the public interest by maintaining a legitimate and viable industry, free from the influences of organized crime, and assuring the honest, good character and integrity of the casino owners, operators, employees, and vendors.

WHEREAS, the Gaming Commission has budgeted funds within Program #1020-100, Account 5202 and Program #1030-121, Account 5205 for costs associated with training; and

WHEREAS, the Tribal Council passed Resolution #05-0119-24, which Designates Authority to Purchase of Actions greater than \$2,500.00 requires Tribal Council approval by resolution; and

WHEREAS, the training contract has been reviewed by the Tribe's Legal Department and nothing in this resolution or the proposal with Falmouth Institute shall result in a waiver of the Tribe's sovereign immunity; and

WHEREAS, the expenditure and training proposal was approved by the Gaming Commission at its November 17, 2009 meeting by Resolution No.#GC09-1117-28; and

WHEREAS, this expenditure and proposal were previously approved by the Tribal Council by Resolution # 09-1118-314; however there was an error in the Resolution that resulted in the Finance Department's inability to process the approved transaction.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves the proposal and expenditure of budgeted funds within Program #1020-100, Account # 5801 in the amount of \$4,000 and Program 1030-121, Account # 5801 in the amount of \$4,400" which will cover the cost of the training, plus travel expenses, from the Gaming Commission's approved 2009 budget.

IT IS FURTHER RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Tribal Ogema to execute the proposal for Falmouth Institute to provide training.

IT IS FINALLY RESOLVED THAT the Tribal Council rescinds Resolution # 09-1118-314.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 6 FOR, 0 AGAINST, 0 ABSTAINING, and 3 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on December 2, 2009, 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:

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Purchasing